

EXHIBIT 2

Transcript of the Testimony of:

E.D.

Date: June 19, 2017

Case: E.D. v. DANIEL SHARKEY et. al.

DIAMOND COURT REPORTING
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Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

E.D., : CIVIL ACTION
: NO. 16-02750

Plaintiff, :

:

vs. :

:

DANIEL SHARKEY, et. al., :

:

Defendants. :

June 19, 2017

Oral Deposition of **E.D.**, taken
at the Law Offices of the Pennsylvania
Institutional Law Project, 718 Arch Street, Suite
304S, Philadelphia, Pennsylvania 19106, on the
above date, beginning at approximately 10:25 a.m.,
before Douglas S. Diamond, Certified Court
Reporter and Notary Public in and for the
Commonwealth of Pennsylvania, there being present.

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Page 2

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20 * * * * *

21 ALSO PRESENT:
CHRISTINE ROMERO
DAVID SMITH
VIVIANA GARLAND - THE INTERPRETER
22 * * * * *

23 MARKED QUESTIONS
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24 * 15 14

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1 -----
2 (It was hereby stipulated by and
3 among counsel that, sealing,
4 certification and filing be waived; and
5 that all objections, except as to the
6 form of the question, be reserved until
7 the time of trial.)

8 -----
9 VIVIANA GARLAND,
10 was duly sworn to translate ENGLISH
11 into SPANISH and SPANISH into
12 ENGLISH in the following deposition:
13 -----

14 **E.D.**,
15 having been first duly sworn, was
16 examined and testified through the
17 interpreter as follows:
18 -----

19 MR. CONNELL: Before we get into
20 questioning I have a couple of things
21 that I think we spoke off the record
22 about that I would like to get on the
23 record. First, we received an e-mail
24 this morning from Landon Jones, counsel
for, I think, the only party that he is

Page 5

1 representing remaining in this
 2 litigation identified on the Third
 3 Amended Complaint as Jeremiah slash Josh
 4 Petrey, P-e-t-r-e-y. Mr. Jones sent an
 5 e-mail to counsel this morning
 6 indicating that he had a family
 7 emergency this morning and that we
 8 should proceed with the deposition
 9 without him and he expects to be here at
 10 some point.

11 The second statement on the record
 12 is at about 6:40 last night we received
 13 a Supplemental Document Production by
 14 the counsel for plaintiffs with a
 15 Written Supplemental Response to
 16 Defendants' Request for Production of
 17 Documents along with a document
 18 identified as Berks Family Residential
 19 Center, which is the resident manual, in
 20 the Spanish language. I'm going to have
 21 that document that was produced marked
 22 as Berks County-1.
 23 - - -
 24 (Whereupon, Exhibit Berks County-1

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1 correspondence that went to Mr. Sharkey
 2 advising him of today's deposition.
 3 - - -

4 (Whereupon, Exhibit Berks County-2
 5 was marked for identification.)
 6 - - -

7 MR. CONNELL: We will have that
 8 appended to this deposition so it is
 9 clear for the record that Mr. Sharkey
 10 was invited to attend and participate.
 11 And as it stands, the deposition was
 12 scheduled for 10:00 a.m. on today's
 13 date. It is now approaching 10:30 a.m.
 14 and Mr. Sharkey is not present.

15 Lastly, now back to Berks County-1,
 16 if everybody in the room can indulge me,
 17 but given the late production of this
 18 and that I had not seen until I walked
 19 in this morning the document that was
 20 produced and identified as Berks
 21 County-1 I am requesting that the
 22 interpreter read certain portions of
 23 that document for the record that were
 24 identified to me this morning by counsel

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1 was marked for identification.)
 2 - - -

3 MR. CONNELL: So the exhibit that's
 4 been marked as Berks County-1 is the
 5 manual that was produced last night at
 6 about 6:40 p.m., and we will address
 7 this with the witness. But if I can
 8 indulge everybody in the room, before we
 9 -- well, I'm going to set that aside for
 10 a minute because there's something else
 11 I should state on the record before we
 12 go any further. And we will have that
 13 marked as Berks County-1. There is an
 14 unrepresented party in this litigation.
 15 As it stands as we sit here today, I
 16 don't know if that individual has been
 17 served or not served with this lawsuit.
 18 His name is Daniel Sharkey. He is a
 19 defendant that is unrepresented. He is
 20 a former employee of Berks County. And
 21 my office does not represent Mr.
 22 Sharkey.

23 We will have marked as Berks
 24 County-2 the Deposition Notice and

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1 for plaintiff as being differences in
 2 the document that we produced
 3 previously.

4 And if we can go off the record for
 5 a second just so I can be clear about
 6 that.
 7 - - -

8 (Whereupon, a discussion took place
 9 off the stenographic record.)
 10 - - -

11 MR. CONNELL: So in furtherance of
 12 that discussion, we're back on the
 13 record, I would ask Madam Interpreter to
 14 read the following sections. And if I
 15 can point that to you rather than try
 16 and read it.

17 THE INTERPRETER: Yes.

18 MR. CONNELL: And actually what
 19 I'll do is maybe we ought to use a
 20 version we marked. And I will just put
 21 in red Sharpie lines parallel to those
 22 sections in the margin just there to
 23 there.
 24 MS. YEH: Can we just have her read

Page 9

1 that?

2 MR. CONNELL: Sure. So I'm going
 3 to hand you what's been marked as Berks
 4 County-1. And on Page 11 of that
 5 document read the sections that are with
 6 the subsection noted with the red mark
 7 down to the bottom of the subsection
 8 noted with the red mark, for the record.

9 THE INTERPRETER: If I can just
 10 have a minute to read it for myself and
 11 translate it.

12 MR. CONNELL: Of course.

13 THE INTERPRETER: All right.
 14 Subsection titled Clothing for Residents
 15 Without Resources, the center will
 16 provide clothing for residents without
 17 resources that have reached the center
 18 without the adequate number of clothing
 19 for the station, for the place. If you
 20 need clothing, talk to a social
 21 assistant or someone or present a
 22 program request form. These forms are
 23 found in the resident information
 24 center. The forms, the completed forms,

Page 10

1 must be placed in the mailbox with the
 2 tag request.

3 Residents dress codes, residents
 4 five years of age. Residents must use
 5 shirt that will cover shoulders, chest,
 6 stomach and low back. You may not use
 7 tops that will show cleavage. Clothing
 8 that is very thin and that shows body
 9 parts is not allowed, thin clothing.
 10 All types of underwear are permitted as
 11 long as they are not visible in any area
 12 at any time. Tight clothing is not
 13 allowed.

14 Shirts, pants or shorts. Shorts
 15 shall not be used that are higher than
 16 the midthigh. Dresses and skirts are
 17 not allowed unless they are approved by
 18 religious reasons. Shoes or sandals
 19 must be used at all times. If a
 20 clothing -- piece of clothing is
 21 considered inadequate during the day it
 22 is still inadequate during night hours
 23 or for sleeping.

24 Earrings, necklaces and bracelets

Page 11

1 of marriage based on religious reasons
 2 are the only articles allowed, the only
 3 jewelry articles allowed.

4 Bedding, at the moment that you
 5 enter, that you are admitted to the
 6 center, every resident will receive the
 7 following bedding items, two sheets, one
 8 pillow cover, one blanket, one bag for
 9 dirty clothing. This bedding can be
 10 used -- can be exchanged for clean
 11 clothing once a week or with more
 12 frequency if it were necessary. Talk to
 13 someone in personnel -- talk to a staff
 14 member if you need clean bedding on a
 15 day outside of the sixth day to exchange
 16 it.

17 That was Page 11.

18 MR. CONNELL: Thank you. If I can
 19 ask you, Madam Interpreter, to then turn
 20 to Page 19. In the margins of Page 19
 21 on Exhibit Berks County-1 I again with a
 22 red Sharpie marked out the sections I
 23 would ask you to read.

24 THE INTERPRETER: All right. If I

Page 12

1 can have a few minutes to read it to
 2 myself?

3 MR. CONNELL: Of course. Thank
 4 you.

5 THE INTERPRETER: Okay. I'm ready.

6 MR. CONNELL: Thank you. If you
 7 can proceed.

8 THE INTERPRETER: Sub-Section
 9 Prevention and Intervention for Sexual
 10 Abuse Cases and Sexual Attack Cases.
 11 The center counts with a program called
 12 sexual abuse and assault prevention and
 13 intervention program to protect
 14 residents and staff members. If you
 15 feel in danger or insecure at any time
 16 during your residence in the center due
 17 to threats or sexual abuse or assault or
 18 if you suffer from sexual abuse and
 19 assault, you must immediately inform any
 20 member of the staff and request for
 21 help. The department's doctor will give
 22 you treatment and the appropriate
 23 orientation if you suffer from sexual
 24 abuse and assault. There is also

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1 information about sexual abuse and
 2 assault in the resident information
 3 center. The social assistants, social
 4 workers, of the division denominated
 5 called Immigration Health Services Corps
 6 offer orientation and assistance by
 7 request to the residents. Also,
 8 residents that feel that they are in
 9 danger can follow one of the following
 10 steps or all of them: Inform about your
 11 concern to any member, to any staff
 12 members, present a complaint, an
 13 emergency complaint where the nature of
 14 the problem is established and the
 15 necessities. For more information see
 16 the section about complaints.

17 How to get in contact with the
 18 Immigration and Custom Enforcement, also
 19 known as ICE, for that you must fill out
 20 a form, ICE Communication Form. These
 21 forms are in the resident information
 22 center. The completed forms must be
 23 placed in the mailbox with the tag ICE.

24 How to present a complaint directly

Page 14

1 to the Department of Homeland Security,
 2 how to communicate with the Office of
 3 the Inspector General through the free
 4 call system or one of the following
 5 ways: Write to DHS OIG Hotline, 245
 6 Murray Drive, S.E. Building 410,
 7 Washington, D.C. 20538; send an e-mail
 8 to DHOI@DHS.GOV; call by phone
 9 at 1-800-323-8603; tell a family member
 10 or friend or your attorney and request
 11 for them to get in touch with ICE or OIG
 12 for you. ICE has a zero tolerance
 13 policy against sexual assault and abuse.

14 End.

15 MR. CONNELL: That completes that
 16 section?

17 THE INTERPRETER: Yes.

18 MR. CONNELL: Thank you very much.

19 ---

20 EXAMINATION

21 ---

22 BY MR. CONNELL:

23 Q. Madam, can you please state your
 24 name for the record?

Page 15

1 A. E.D. .
 2 Q. Is it okay with you if I call you

3 E.D. ?

4 A. Yes.

5 Q. E.D. , we are here this morning
 6 for your deposition.

7 MR. CONNELL: Can we go off the
 8 record again for a second.
 9 ---

10 (Whereupon, a discussion took place
 11 off the stenographic record.)
 12 ---

13 MR. CONNELL: Back on the record.
 14 BY MR. CONNELL:

15 Q. E.D. , as I mentioned, we are
 16 here for your deposition today. This is an
 17 opportunity for me on behalf of my clients to ask
 18 questions about the lawsuit that you have brought.
 19 I represent the defendants in this litigation that
 20 are not federal employees and are not Daniel
 21 Sharkey. And that would be the County of Berks, a
 22 party identified as a Berks County Residential
 23 Center and Immigration Family Center, Diane
 24 Edwards, Jamie Himmelberger, Brittany Rothermill,

Page 16

1 Erika Taylor and Matthew Malinowski.

2 Before we get started on the
 3 substantive questions I would like to go through
 4 some instructions with you. My first -- well, my
 5 first instruction is it's very important that you
 6 understand the questions that are being asked of
 7 you today and the interpretation that you're
 8 receiving through the interpreter. As it stands
 9 now, are you having any difficulty with the
 10 translation you're receiving from the interpreter?

11 A. No. Well, I would prefer that you
 12 speak -- the interpreter does not speak at the
 13 same time as you because it confuses me a little.

14 * Q. Okay. I don't want any confusion,
 15 so we will, to the best of our ability, do that.

16 A. Okay.

17 MR. CONNELL: I would ask the court
 18 reporter to mark that page.

19 And I would ask the interpreter if
 20 that is a problem for her?

21 THE INTERPRETER: The interpreter
 22 doesn't find any problem. We will do
 23 the consecutive now that we've started
 24 with the question-and-answer session.

Page 17

1 BY MR. CONNELL:

2 Q. So it's important that you
 3 understand the question that I ask. And I would
 4 ask you to let us know if for any reason you don't
 5 understand that question.

6 MR. CONNELL: I'm sure the
 7 interpreter understands that she needs
 8 to understand my question as well? I'm
 9 sorry, I had to ask you a question.

10 THE INTERPRETER: Yes, the
 11 interpreter does understand.

12 BY MR. CONNELL:

13 Q. If at any point you don't
 14 understand the question, either because of the
 15 language that I use or the interpreter doesn't
 16 understand a question because of the way I speak,
 17 it is vital that you both let me know.

18 A. Okay. Yes.

19 Q. If at any time during this
 20 deposition you need to take a break, please let us
 21 know and we'll be happy to oblige.

22 A. Yes.

23 Q. However, consistent with the Rules
 24 of Civil Procedure if I ask a question and you

Page 19

1 A. Yes.

2 Q. If -- strike that.

3 I mentioned if you don't understand
 4 a question that I ask, let us know. And if your
 5 best answer is you don't know or you don't
 6 remember, that's a perfectly fine answer.

7 Do you understand the instructions
 8 that I just discussed?

9 A. Yes.

10 Q. One other point, and it shouldn't
 11 be much of an issue in the realm of an
 12 interpreter, but I need your answers to be verbal.

13 Okay?

14 A. Okay.

15 Q. So the court reporter cannot
 16 interpret your body language. So if you shrug
 17 your shoulders or nod your head, that's not a
 18 sufficient answer. We will need it to actually be
 19 verbal through the interpreter. Okay?

20 A. Yes.

21 Q. Do you have any questions at all
 22 about those instructions?

23 A. No.

24 Q. E.D. [REDACTED], upon your entry to Berks

Page 18

1 need to take a break I would ask that you give me
 2 an answer to that question before we take the
 3 break.

4 A. Okay.

5 Q. Is there anything today preventing
 6 you from giving truthful and accurate testimony
 7 and answers to my questions?

8 A. No.

9 Q. We're looking for your best answers
 10 to the questions that I ask. I do not want you to
 11 guess at an answer. I don't want you to speculate
 12 as to what an answer may be. I want only the best
 13 answer to the question that I ask even if that
 14 answer is I don't know or I don't remember.

15 Is that fair?

16 A. Yes.

17 Q. I may ask you at times to estimate
 18 either time or measurements. Generally sometimes
 19 estimates can be the best answer, and that's a
 20 fair answer to ask so long as you're comfortable
 21 giving an estimate.

22 A. Okay.

23 Q. If that's the case I'd just ask
 24 that you let us know that it is an estimate.

Page 20

1 County Residential Center you signed up for a work
 2 program; correct?

3 A. Yes.

4 Q. And why did you sign up for a work
 5 program?

6 A. When -- always when someone goes in
 7 they're offered to go in to work and that they
 8 will be paid one dollar a day. And even if they
 9 don't sign up for the work program there are daily
 10 things, daily chores that we have to do. And
 11 that's a reason that most women prefer to sign up,
 12 to receive payment.

13 Q. And is that the reason why you
 14 signed up?

15 A. Yeah, because I was going to do it
 16 anyway. If they were going to pay me or not, I
 17 was going to work daily.

18 THE INTERPRETER: I'm sorry.

19 MR. CONNELL: Off the record.

20 - - -

21 (Whereupon, a discussion took place
 22 off the stenographic record.)

23 - - -

24 BY MR. CONNELL:

Page 21

1 Q. Can you tell me how it was that you
2 found out about the work program?
3 A. When you go into the Detention
4 Center they give you a welcome -- and one moment.
5 Let me try to remember. No, when we got there I
6 think other women mentioned it. And they said
7 that we had to talk to some kind of social workers
8 to sign up for this work.
9 Q. What were the names of the other
10 women that mentioned it?
11 A. No. There were many, and they all
12 talked about it. They were women that were there
13 before me.
14 Q. Is it fair to say that these women
15 were not the ones who signed you up for the work
16 program?
17 A. No. They just like, how can I say
18 it, they just mentioned that there was a work plan
19 and that it was better to go sign up because it
20 was better to get paid for it.
21 Q. Okay. What type of work did you do
22 -- or strike that. I'm sorry.
23 What type of work did you sign up
24 to do?

Page 23

1 Q. Do you recall Patricia's last name?
2 A. Patricia, can I write it down,
3 please?
4 MR. CONNELL: I will also like to
5 see it.
6 MS. YEH: Yes. Take a look.
7 MR. CONNELL: I'm going to ask the
8 interpreter to read it, but I will spell
9 the word that was written by the
10 deponent. It is spelled C-o-e-l-l-a-r.
11 And I would ask the interpreter to read
12 that.
13 THE INTERPRETER: Coellar.
14 BY MR. CONNELL:
15 Q. And who was Patricia or is
16 Patricia?
17 A. She was my friend in that place.
18 Q. Do you maintain any contact with
19 Patricia today?
20 A. Very little.
21 Q. How do you have contact with her?
22 A. I have her telephone number.
23 Q. Do you have that telephone number
24 with you?

Page 22

1 A. It wasn't the same every day. It
2 would change every week. Some weeks it was in the
3 kitchen washing dishes. Other times it was
4 cleaning bathrooms or cleaning the living room or
5 some other activity area.
6 Q. Describe for me how it was that you
7 actually went and advised somebody that you wanted
8 to be part of the work program.
9 A. There was the social workers were
10 there. So I went there and talked to them. And I
11 told them that I wanted to work. And I wrote my
12 name down on a piece of paper.
13 Q. Identify for me all persons that
14 you spoke with at any time about your relationship
15 with Defendant Sharkey.
16 A. The people that I talked to, what
17 do you mean, the people in the center or whom?
18 Q. Yes. Anybody at any time that you
19 spoke with about your relationship with Sharkey
20 from the minute that it started until we sit here
21 today.
22 A. Okay. With Patricia, my attorneys
23 and a psychologist and with the other people that
24 interviewed me, the case investigators.

Page 24

1 A. Yes.
2 MR. CONNELL: Off the record for a
3 second.
4 ---
5 (Whereupon, a discussion took place
6 off the stenographic record.)
7 ---
8 MR. CONNELL: We'll go back on the
9 record. Off the record we discussed
10 Patricia's telephone number. At some
11 break during the deposition we will off
12 the record assuming we'll provide a copy
13 of that or provide me that telephone
14 number at some point during the break.
15 Thank you.
16 THE WITNESS: Okay.
17 BY MR. CONNELL:
18 Q. When was the last time you had any
19 contact with Patricia?
20 A. About a month maybe. Because of
21 work we can't really talk a lot. And she lives in
22 a different state. We're in different states, so
23 we can't really talk all the time.
24 Q. Can you tell me the last -- or

Page 25

1 strike that.

2 Have you ever talked with her about
3 the fact that you have a lawsuit against -- or
4 have this lawsuit?

5 A. No.

6 Q. Were you and Patricia roommates at
7 the Berks County Residential Center?

8 A. No, but we were in different
9 aisles, but close, almost across from each other.
10 Well, not different aisles, the same aisle, just
11 one side from the other.

12 Q. Your rooms were across from each
13 other?

14 A. Yes, almost, yes.

15 Q. You also mentioned your attorneys.
16 And I'm not going to ask you any follow-up
17 questions about that.

18 A. Yes.

19 Q. You mentioned a psychologist.

20 Can you tell me the name of the
21 psychologist you spoke with?

22 A. I don't remember her name. Gina,
23 Gina, I think.

24 Q. If you hear the name, do you think

Page 27

1 anyone or any other psychologist or something like
2 that.

3 Q. Okay.

4 MS. YEH: If we could take five.

5 - - -

6 (Whereupon, a discussion took place
7 off the stenographic record.)

8 - - -

9 MR. CONNELL: Back on the record.

10 BY MR. CONNELL:

11 Q. Thank you for your patience with
12 that line of questioning. The other category of
13 folks that you spoke with is you mentioned the
14 investigators.

15 A. Yes.

16 Q. As you can see, in front of us
17 there are a lot of documents associated with this
18 case. Do you have specific recollection of the
19 names of any specific investigators you spoke
20 with?

21 A. No.

22 Q. Okay. We have documents that
23 reflect that you spoke with a couple of
24 investigators that were employed with the Berks

Page 26

Page 28

1 you would remember it?

2 A. Yes.

3 Q. Does the name Gina Westner sound
4 familiar?

5 A. Yes, she was the psychologist.

6 Q. Other than Ms. Westner, have you
7 ever talked to any other mental health
8 professional?

9 A. No.

10 Q. And just so that I can be clear
11 about that, since your release from the Berks
12 County Residential Center you have not had any
13 conversations with any mental health
14 professionals?

15 A. No.

16 Q. And that's one of those that are
17 going to show up poorly on the record. I'll ask
18 it this way. Is it true that since you left Berks
19 County Residential Center you've had no
20 conversations or treatment with any mental health
21 professionals?

22 A. No.

23 Q. So that's not true, you have?

24 A. Well, no, I have not spoken to

1 County Residential Center.

2 Do you recall speaking with anybody
3 at the Residential Center that were employees
4 there?

5 A. Can you repeat the question,
6 please?

7 MR. CONNELL: Can you read it back,
8 please?

9 - - -

10 (Whereupon, a pertinent portion of
11 the record was read back by the court
12 reporter.)

13 - - -

14 THE WITNESS: No.

15 BY MR. CONNELL:

16 Q. Records also reflect that you spoke
17 with investigators from the Federal Government,
18 the Department of Homeland Security.

19 Do you recall speaking to anybody
20 with that agency?

21 A. Yes.

22 Q. Records also reflect that you spoke
23 with a local police department, the Bern Township
24 Police Department, a Detective Michael Hoffert.

Page 29

1 Do you recall that?
 2 A. Yes.
 3 Q. Records also indicate that you were
 4 at the Berks County District Attorney's Office and
 5 spoke with an Assistant District Attorney.
 6 Do you recall that?
 7 A. Yes.
 8 Q. Do you recall that that time you
 9 spoke at the District Attorney's office the
 10 conversation was video recorded; did you know
 11 that?
 12 A. Yes.
 13 Q. At all times when you spoke with
 14 the investigators and the psychologist, were you
 15 truthful?
 16 A. With the investigators, yes. And
 17 with the psychologist I spoke very little.
 18 Q. Okay. When you say you spoke very
 19 little with the psychologist, do you mean you
 20 rarely spoke with the psychologist or you told
 21 very little truth? I don't understand.
 22 A. No, I always told the truth, but I
 23 spoke a little about the case with the
 24 psychologist.

Page 31

1 Q. Did you complete a high school
 2 level education?
 3 A. Yes.
 4 Q. Since you got exited the Berks
 5 County Residential Center, have you sought any
 6 other sort of educational training?
 7 THE INTERPRETER: Since you left,
 8 you said?
 9 MR. CONNELL: I'll rephrase if it's
 10 difficult.
 11 BY MR. CONNELL:
 12 Q. After your release from the Berks
 13 County Residential Center, have you sought any
 14 other sort of education or training?
 15 A. No.
 16 Q. Your country of origin is Honduras;
 17 yes?
 18 A. Yes.
 19 Q. And I understand from the record
 20 review that you have a son. What's his name?
 21 A. Joshua.
 22 Q. How old is Joshua?
 23 A. Six.
 24 Q. Do you have any other children?

Page 30

1 Q. Okay. Is it fair to say that you
 2 spoke to the psychologist about the relationship
 3 with Sharkey?
 4 A. Yes.
 5 Q. When you spoke with the
 6 psychologist about the relationship with Sharkey,
 7 were you truthful?
 8 A. Yes.
 9 Q. Thank you. By the way, if I call
 10 it the Berks County Residential Center, we are on
 11 the same page as to what I'm talking about; is
 12 that fair?
 13 A. Yes.
 14 Q. As opposed to the psychologist, Ms.
 15 Westner, did you ever speak to any medical staff
 16 about the relationship with Sharkey?
 17 A. No.
 18 Q. **E.D.**, what is your date of
 19 birth?
 20 A. November 2nd of '94.
 21 Q. What's the highest level of
 22 education you obtained?
 23 A. Ninth grade, nine years. That
 24 would be like high school.

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1 A. Yes, one girl.
 2 Q. And how old is the girl?
 3 A. One year old.
 4 Q. When did you first enter the United
 5 States?
 6 A. April 2014.
 7 Q. And why did you leave Honduras?
 8 A. Because I came, but I was deported.
 9 Q. So the first time that you entered
 10 the United States in April of 2014 you were
 11 deported immediately?
 12 A. Yes.
 13 Q. And then you returned another time?
 14 A. Yes.
 15 Q. How long from the time that you
 16 were deported was it that you returned?
 17 A. I got to Honduras after I was
 18 deported. And then I was there for about a week
 19 before I came back.
 20 Q. Okay. And why did you come back
 21 the second time?
 22 A. Because I had -- I was running away
 23 from my country, and I didn't care that I was
 24 deported once, so I came back again.

<p style="text-align: center;">Page 33</p> <p>1 Q. Whatever reason it was that you 2 left your country, Honduras, to come to the United 3 States that caused you to run away, was it 4 something that caused you any sort of emotional 5 worry?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. What was that?</p> <p>8 A. I was running away from my country 9 because I was suffering from the domestic violence 10 from the father of my son, Joshua. And that was 11 the reason why I came here the first time and why 12 after I was deported I decided to come back, to 13 get a better life for my son and for myself and so 14 both of us could be safe.</p> <p>15 Q. And just so that the record is 16 clear, talking about that clearly upsets you. And 17 I don't mean to try and upset you. I hope you 18 understand that.</p> <p>19 A. Okay.</p> <p>20 Q. And I'm not going to explore that 21 very deeply, but I do have a few questions that I 22 need to follow up. If you need to take a break, 23 feel free to do so.</p> <p>24 A. Okay.</p>	<p style="text-align: center;">Page 35</p> <p>1 be asked.</p> <p>2 MR. CONNELL: And we are going to 3 follow up with The Court on the asylum 4 issue.</p> <p>5 MS. YEH: And that's fine. And 6 obviously The Court very well may agree 7 with you in which case we would, of 8 course, have to comply with that.</p> <p>9 MR. CONNELL: Well, you can state 10 your objections as we go along. If at 11 some point we hit a roadblock and we 12 can't go any further we'll call a Judge 13 and see if we can get it resolved.</p> <p>14 MS. YEH: Sure, absolutely.</p> <p>15 MR. CONNELL: If not obviously we 16 have to run the risk of bringing E.D. E.D. back.</p> <p>17 MS. YEH: No, and I understand 18 that. I do feel that at this current 19 time you may ask the questions.</p> <p>20 MR. CONNELL: Okay.</p> <p>21 THE INTERPRETER: Could I ask a 22 question off the record? 23 - - -</p>
<p style="text-align: center;">Page 34</p> <p>1 MS. YEH: And just for the record, 2 I'm going to allow the questions to 3 proceed, but some of the topics may also 4 be related to some immigration documents 5 that we had placed on the record as an 6 objection, but I will allow you to ask 7 those questions.</p> <p>8 MR. CONNELL: Well, if you want to 9 withdraw any claim for emotional harm in 10 this case right now we don't have to go 11 here at all. I'm not interested in the 12 immigration case, but I have a right and 13 duty to defend any claim for emotional 14 harm in this case. And if that is, I 15 can dig deep into what the emotional 16 harm history is. And if we're going to 17 continue to dispute that issue, then we 18 might as well just resolve it as we go 19 along.</p> <p>20 MS. YEH: It is our position at the 21 current time that the specific asylum 22 petition is not relevant and protected. 23 However, I do understand your position, 24 which is we will permit the questions to</p>	<p style="text-align: center;">Page 36</p> <p>1 (Whereupon, a discussion took place 2 off the stenographic record.) 3 - - -</p> <p>4 MR. CONNELL: Back on the record.</p> <p>5 BY MR. CONNELL:</p> <p>6 Q. So am I right you've decided not to 7 take a break at the moment and to continue on?</p> <p>8 A. Continue, yes.</p> <p>9 Q. Okay. You described that you do 10 experience emotional concern or emotional worry as 11 a result of the domestic violence that you 12 experienced that caused you to leave your home 13 country. Describe for me, if you can, how that -- 14 what you mean by the emotional concern and worry.</p> <p>15 A. Can you repeat the question again?</p> <p>16 - - -</p> <p>17 (Whereupon, a pertinent portion of 18 the record was read back by the court 19 reporter.) 20 - - -</p> <p>21 THE WITNESS: Okay. I just don't 22 know how -- well, I just don't 23 understand the question. I'm sorry.</p> <p>24 BY MR. CONNELL:</p>

1 Q. Okay. As a result of the domestic
 2 violence that you explained earlier, do you
 3 experience crying fits, anxiety, depression,
 4 sleepless nights, nightmares, anything if you can
 5 describe how it exhibits itself?

6 A. Now at this time or are you
 7 referring to before?

8 Q. For now I'll ask you about -- well,
 9 strike that.

10 Do you experience both, did you
 11 experience it then and do you still experience it
 12 now?

13 A. Well, when I arrived here I had
 14 only one preoccupation about what was happening in
 15 my country. But then what happened here happened.
 16 And now it's just not only one thing, but it's the
 17 two things that I am afraid of, so it's a lot.

18 Q. From that answer I hear that there
 19 was one thing from your own country and something
 20 else, so that means there's two things. Let's
 21 talk first about the one thing from your country.

22 What is the one thing from your
 23 country that -- is that the domestic violence that
 24 you were referring to earlier?

1 subjected to domestic violence at the hands of
 2 Joshua's father?

3 A. Yes.

4 Q. And does that worry you now?

5 A. Yes.

6 Q. Does that cause you to lose sleep
 7 at night?

8 A. Yes.

9 Q. Does that cause you to cry?

10 A. Yes.

11 Q. Are there any other physical
 12 manifestations of that concern that you can tell
 13 us about?

14 A. No.

15 Q. Now, you also mentioned that there
 16 is something from this country that causes you to
 17 have emotional worry. Can you describe for me
 18 what that is?

19 A. When I arrived here I went to the
 20 Berks Center as a prisoner there. And in that
 21 place -- well, I don't know how to say it. Okay.
 22 When I arrived here in the U.S., the U.S. is a
 23 country where the laws are good. It's not like
 24 our country. Then I went to that center. I

1 A. Yes.

2 Q. And was there anything other than
 3 the domestic violence which caused you to want to
 4 leave Honduras and come to the United States?

5 A. Yes, yes, the father of Joshua
 6 mistreated me a lot. He was violent both
 7 physically and psychologically. That's why I
 8 didn't want to be there any more. I wanted to
 9 come here. And my mother lives here. I didn't
 10 want to be there anymore because I was in danger.

11 Q. As we sit here today, do you still
 12 have concerns that you will have to go back to
 13 Honduras?

14 A. Yes.

15 Q. And that is if you are not
 16 successful in whatever immigration proceedings you
 17 have ongoing?

18 A. Yes.

19 Q. And you said that they were
 20 concerns that you had before you left Honduras;
 21 correct?

22 A. Yes.

23 Q. Do you have concerns that if you
 24 were to return to Honduras you would again be

1 couldn't find someone -- well, I came here for
 2 protection. And I couldn't find protection. I
 3 was abused while I was at that place.

4 Q. Describe for me what you mean by
 5 you were abused at that place.

6 A. One of the workers there, he -- do
 7 you want me to be specific?

8 Q. I am going to need specifics, but
 9 if it's easier for you to answer questions I will
 10 ask you the questions. So first I will ask you
 11 what worker are you referring to?

12 A. To Daniel, Daniel Sharkey.

13 Q. And you just used the word abuse.
 14 With your definition of the word
 15 abuse, did anybody else at the Berks County
 16 Residential Center abuse you?

17 A. Yes.

18 Q. Okay. Who?

19 A. Daniel Sharkey.

20 Q. We obviously missed a beat there.
 21 Other than Daniel Sharkey, did any
 22 other employee at the Berks County Residential
 23 Center abuse you?

24 A. When I talk about Daniel Sharkey,

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1 that he abused me, I mean that he sexually abused
 2 me, but also other residents at the center
 3 mistreated me. The residents are the workers
 4 there.

5 Q. Okay. Describe for me what you did
 6 how to get from Honduras to the United States.

7 A. What did I do?

8 Q. Yes. Did you drive a car? Did you
 9 walk? Did you fly? However it was that you got
 10 from Point A to Point B when you crossed into the
 11 United States.

12 A. I took a bus and I entered
 13 illegally.

14 Q. And forgive me, I just don't
 15 understand the travel between Honduras and the
 16 United States. So I'm going to ask you to give me
 17 a little bit of leeway with asking you questions
 18 that may sound obvious. Did you get on one bus in
 19 Honduras and get off that bus in the United
 20 States, a single bus ride?

21 A. No. There's people that bring
 22 people from Honduras to the border with the U.S.,
 23 get you in a bus, a car. You have to walk
 24 sometimes hours or days. And then there's the

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1 river at the border.

2 Q. Okay. Do these people that help --
 3 or strike that.

4 Did you have people who had helped
 5 you make that journey?

6 A. Yes.

7 Q. Did those people cause you any
 8 worry?

9 A. Yes.

10 Q. How so?

11 A. Because the way to the United
 12 States from Honduras, it's not easy, you are
 13 running a lot of risks. And there's also people
 14 that want to abuse, take advantage of women.

15 Q. Okay. Did you experience that,
 16 someone abusing you or taking advantage of you
 17 during your journey?

18 A. Yes.

19 Q. How so?

20 A. They are men. And men sometimes
 21 want to abuse women, like I said before. And
 22 there was one man that wanted to do that, but
 23 nothing happened, but I was still worried about
 24 it.

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1 Q. Does that experience cause you
 2 stress or anxiety or worry today?

3 A. No. I know that I won't go through
 4 that again. So I feel better knowing that I won't
 5 see those people again. Because if I knew I would
 6 have to do that again from to come here from over
 7 there, I know that I wouldn't do it again because
 8 I don't want to go through that again.

9 Q. Did you experience that both times
 10 that you came from Honduras to the United States?

11 A. The first time I came it was with
 12 different people. And I didn't go through what I
 13 went through the second time.

14 Q. Now, you had said that when you are
 15 making that journey from Honduras to the United
 16 States that you are, quote, "running risks,"
 17 closed quote. Are there other risks besides the
 18 risk that you already described about men taking
 19 advantage of women?

20 A. Well, there's also that you walk
 21 through the desert and you can run risks there
 22 because you don't have water or food.

23 Q. How long -- or strike that.
 24 You had indicated you take a bus, a

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1 car, you walk for hours and then you have a river.

2 How long did you walk and did you
 3 walk through the desert?

4 A. Yes, I was in the desert for about
 5 two days.

6 Q. Was that two days without food and
 7 water?

8 A. Yes.

9 Q. And what do you mean by there's the
 10 river?

11 A. The river that divides Mexico and
 12 the U.S., the border.

13 Q. Did you have to cross that river to
 14 enter the United States?

15 A. Yes.

16 Q. How did you do that?

17 A. In a boat.

18 Q. How old was Joshua when you made
 19 this journey?

20 A. Three.

21 Q. Did the fact that on two occasions
 22 you made this journey with these risks, as you
 23 described, with your three-year-old son cause you
 24 stress and anxiety?

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1 A. Yes. Or can you explain the
2 question better?

3 Q. You described for us on two
4 occasions you made a journey involving a bus,
5 cars, walking through deserts, on one occasion
6 having to worry of a man taking advantage of you
7 and crossing a river all with a three-year-old son
8 on two separate occasions.

9 After all of that, do you have any
10 emotional worry about that experience?

11 A. So it's like if after everything
12 that I have been through if it damaged me; is that
13 your question?

14 Q. Emotionally, yes.

15 A. Yes, it was very difficult. But
16 always I wanted to reach this country to be
17 protected from my country. So I was trying to --
18 I'm sorry, I don't understand the question.

19 Q. A few moments ago you said that you
20 would never do it again, right, if you got
21 deported again, you wouldn't go through it again.

22 Do you recall that testimony?

23 A. Yes.

24 Q. Why would you not do it again?

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1 A. Because it's not something easy.
2 It's very hard to go through that, to come here
3 from my country, to go through all of that. And I
4 would not like to go through all of that again.

5 Q. Is that because it would scare you?

6 A. Yes.

7 Q. Do you recall when it was that you
8 left the Berks County Residential Center?

9 A. When I left, in December.

10 Q. That was December 2014?

11 A. Yes.

12 Q. And you now live in Georgia?

13 A. Yes.

14 Q. Who do you live in Georgia with?

15 A. With my mother.

16 Q. Anybody else?

17 A. No.

18 Q. Your children?

19 A. Yes.

20 Q. So it's you, your mother and your
21 two children that live in a residence in Georgia?

22 A. Yes.

23 Q. Do you work in any fashion?

24 A. At this time, no, because my child

1 is out of school now and I'm taking care of him.
2

3 Q. At any point since going to live
4 with your mother in Georgia, have you been
employed in any way?

5 A. Yes.

6 Q. Okay. What was your last job?

7 A. It's like factories.

8 Q. What is the name of your employer?

9 A. Can I write it down?

10 Q. Sure.

11 A. Let me see if I remember. Victory
12 Processing.

13 Q. Let me see that.

14 A. (Witness complies.)

15 Q. Written out in English, at least I
16 can read it anyway. What I'm going to do is can
17 you rewrite that on this piece of paper?

18 A. (Witness complies.)

19 MR. CONNELL: We're going to have
20 that marked as Berks County-3.

21 ---

22 (Whereupon, Exhibit Berks County-3
23 was marked for identification.)

24 ---

1 BY MR. CONNELL:

2 Q. Other than Victory Processing, have
3 you had any other employers since you moved to
4 Georgia to live with your mother?

5 A. No.

6 Q. Do you happen to know the address
7 of Victory Processing or a telephone number?

8 A. No. Well, I don't know it.

9 Q. What kind of work do you do there?

10 A. I was -- it's like a meat company
11 of chicken. And I worked in quality control.

12 Q. What was the name of your
13 supervisor there?

14 A. Amber.

15 Q. Did Amber have a last name that you
16 know?

17 A. No, I don't know it.

18 Q. How did you get there?

19 A. In Gainesville where I live there's
20 a lot of those plants there. So I went to one of
21 those plants to work.

22 Q. Are you capable -- or strike that.

23 Can you spell the name of the town
24 you just told us?

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1 MR. CONNELL: Hold on a second.
 2 I'm going to ask any time she writes it
 3 down we use a separate piece of paper.

4 BY MR. CONNELL:

5 Q. I'll put a stack of paper in front
 6 of you that you can use at your leisure.

7 A. (Witness complies.)

8 Q. And I'm reading that as
 9 Gainesville?

10 A. Gainesville.

11 MR. CONNELL: Mark this as 4.

12 - - -

13 (Whereupon, Exhibit Berks County-4
 14 was marked for identification.)

15 - - -

16 BY MR. CONNELL:

17 Q. So this is a food plant in
 18 Gainesville, Georgia and you can't tell me where
 19 in Gainesville, Georgia it is, an address or the
 20 telephone number or the last name of your
 21 supervisor?

22 A. No. I don't have any paper right
 23 now with me, but it's on the Internet if you want.

24 Q. How long did you work there?

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1 that work in Berks?

2 Q. Does that sound familiar to you as
 3 somebody who works at Berks?

4 A. Well, I don't know his last name,
 5 but it could be one of the -- that worked there,
 6 one of the social workers.

7 Q. Tell me who you understand Eric to
 8 be, even if you don't know his last name.

9 A. It's the only person that -- it's
 10 just that there's a lot of people that I don't
 11 know the names of, that we only know as staff.
 12 And I think he worked at the office of the social
 13 workers, social services.

14 Q. Do you remember an Eric who worked
 15 as a social worker?

16 A. Yes.

17 Q. And is this someone that you spoke
 18 with more than once?

19 A. Yes.

20 Q. And, by the way, when you say
 21 Berks, are you referring to the Berks County
 22 Residential Center?

23 A. Yes.

24 Q. So at Berks there was a social

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1 A. About a year and a half, year, year
 2 and a half.

3 Q. And when did your employment end?

4 A. I worked there until December.

5 Q. December of what year?

6 A. 2016.

7 Q. And how did that employment come to
 8 an end?

9 A. Because I have a baby and that's
 10 why I was taking care of her.

11 Q. Are you in a relationship with the
 12 father of your baby, of your daughter?

13 A. No.

14 Q. Does the father provide any sort of
 15 support for your baby?

16 A. No.

17 Q. Does that cause you stress or
 18 anxiety or worry?

19 A. No.

20 Q. Do you recognize the name Eric
 21 Salvati?

22 A. Eric?

23 Q. Eric.

24 A. I think -- is it one of the people

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1 worker named Eric that you interacted with on more
 2 than one occasion?

3 A. Yes, there was Eric and another
 4 lady named Linda, yes, they were both always at
 5 the office.

6 Q. On any occasion where you
 7 interacted with Eric, were you truthful?

8 A. Yes.

9 Q. And did you find that Eric was fair
 10 to you in anything he worked with you on?

11 A. Eric was if we needed something, if
 12 we needed something, a phone call or at the store,
 13 Eric was the person that we talked to, Eric or
 14 Linda.

15 Q. Okay. So my question is at any
 16 time you interacted with Eric, did you find him to
 17 interact with you fairly?

18 A. Like the workers there, I imagine.
 19 He wasn't my friend. I would only talk to him
 20 with the things that I needed that was necessary.

21 Q. Did you ever believe he mistreated
 22 you in any way?

23 A. No. I don't know. No, just
 24 normal.

1 Q. Do you remember talking to Eric
 2 about signing up for the work program that you
 3 described earlier?

4 A. For the work, I think it was with
 5 Linda, the other one that's there. I honestly
 6 don't remember if it was with her or him.

7 Q. Is it fair to say that you don't
 8 remember the details of when you first walked into
 9 the program at the BCRC, at the Berks County
 10 Residential Center?

11 A. That I don't remember what? I'm
 12 sorry.

13 Q. Your interactions with staff when
 14 you first got to Berks County Residential Center.

15 A. No. Some things, yes. Other
 16 things, no.

17 MR. CONNELL: Could we take five
 18 minutes?
 19 - - -
 20 (Whereupon, a discussion took place
 21 off the stenographic record.)
 22 - - -
 23 BY MR. CONNELL:
 24 Q. E.D., as you might have heard

1 at the top on the front page. Can you tell me
 2 what that name says?

3 A. I don't know. I don't know. Each
 4 manual, I mean, each person get a manual, but I
 5 had to return it when I left the center. So this
 6 person had written their name because she had it
 7 before I did.

8 Q. Okay. Did you know this person?

9 A. No. I know it reads Maria, but I
 10 don't know. I had a roommate that was named
 11 Maria, but I don't know -- it wasn't hers. It was
 12 mine. But I don't know if it was hers before
 13 because I don't know her last name.

14 Q. Okay. How many roommates did you
 15 have at the Berks County Residential Center?

16 A. The first room I had I had two.
 17 Then I was changed to another room and I also had
 18 two roommates.

19 Q. Did you have more than one roommate
 20 whose name was Maria?

21 A. Yes.

22 Q. Do you know the last name of any of
 23 them?

24 A. No.

1 me say at the beginning of the deposition, we
 2 received a document from your attorney last night.
 3 That document has been marked as Berks County-1.
 4 I'm going to hand that to you and I have a few
 5 questions for you about that.

6 A. (Witness complies.)

7 Q. My question is have you seen that
 8 document before?

9 A. Yes.

10 Q. Is that the document you gave to
 11 your attorney yesterday?

12 A. Yes, yesterday I saw it with her.

13 Q. And I'm not -- don't interpret any
 14 questions that I ask you as to ask you anything
 15 that you've spoke with your attorneys about.
 16 Okay? I'm not going to ask you any questions
 17 about that. Okay?

18 A. Okay.

19 Q. But just so that I can clarify, did
 20 you give that document to your attorney yesterday?

21 A. No. They already had it from
 22 before. I gave it to them from when I was in the
 23 Detention Center.

24 Q. Okay. And that document has a name

1 Q. How many different rooms were you
 2 in at the Berks County Residential Center after
 3 your admission until you left?

4 A. Two.

5 Q. And how did you get this document?

6 A. They were handed out when you got
 7 to the center.

8 Q. You told me earlier that the one
 9 that you were given at the center you had to turn
 10 back in when you left?

11 A. Yes.

12 Q. Okay. So this one you walked out
 13 of the center with; correct?

14 A. No. While I was at the Detention
 15 Center I gave this to my attorney, Matthew. And
 16 he made copies and returned it to me. And I
 17 returned it to the center when I left.

18 Q. So your attorney shows up without
 19 one of these, you give to it him, he leaves the
 20 center with it and then returns at some point
 21 later with it again to give back to you?

22 A. Yes.

23 Q. And when was that?

24 A. After they did some changes. And I

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1 told him that they had asked for the manuals. And
 2 I told him that they had made some changes. Then
 3 I showed it to him.

4 Q. And when was this?

5 A. I think it was around November,
 6 October, November.

7 Q. Of 2014?

8 A. Yes.

9 MR. CONNELL: And it's represented
 10 to me today that you guys got this
 11 yesterday? Are you kidding?

12 MS. YEH: On the record I will say
 13 that we thought it was the same handbook
 14 and we didn't notice the discrepancy
 15 until yesterday. And I will say that I
 16 only received the handbook very
 17 recently. As you know, Matthew, was not
 18 counsel to the case.

19 MR. CONNELL: You have an
 20 obligation to seek out documents,
 21 counselor.

22 MS. YEH: And I did fulfill that
 23 obligation. And once I noticed it was a
 24 different document I immediately turned

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1 information protected by attorney/client
 2 privilege.

3 I'm asking for witnesses. These
 4 should be disclosed in the initial
 5 disclosures in this case. This is
 6 almost sanctionable Responses to
 7 Discovery.

8 MS. YEH: We did disclose the
 9 witnesses. I would suggest that if we
 10 have further issues that we take it not
 11 during the deposition or perhaps at the
 12 end.

13 MR. CONNELL: But the point is that
 14 we're going to be here an excessive
 15 amount of time because of these
 16 Discovery Responses and the fact that
 17 you don't produce documents that you
 18 clearly have in your possession that you
 19 admit to having in your possession until
 20 7:00 last night. I'm sorry, that is
 21 inappropriate.

22 MS. YEH: Mr. Connell, I dispute
 23 and I disagree with that. And I once
 24 again said that I did not have it in my

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1 it over. If you review it it is very
 2 similar and I did not know there was a
 3 difference.

4 MR. CONNELL: I get that and I can
 5 appreciate that, but at the same point
 6 it couldn't have been the same. It has
 7 a name written at the top. She just
 8 said that the name is written at the
 9 top. And when she gave it to Mr.
 10 Archambeault that document should have
 11 been produced in your Discovery. But
 12 instead I get Discovery Responses, and
 13 I'm going to read this for the record
 14 because this is what started yesterday
 15 for me. And we're going to spend a lot
 16 of time going through these today
 17 because of these nonsense responses I
 18 get. State the names addresses, both of
 19 residences and businesses addresses and
 20 business job titles of all persons known
 21 to you or anyone acting on your behalf
 22 you intend to rely to establish the
 23 allegations in your complaint.

24 Objection as overbroad and seeks

1 possession until very recently.

2 MR. CONNELL: I think the record is
 3 amply clear that the document was in the
 4 possession of her attorney of record as
 5 it stands today. And it still stands
 6 that the document was not produced until
 7 7:00 last night, the day before the
 8 deposition.

9 MS. YEH: I noticed that as soon as
 10 the error was made immediately I
 11 produced the document.

12 BY MR. CONNELL:

13 Q. E.D., just so that we're clear
 14 here, this is a document that you don't know how
 15 you got it and you gave it to your attorney, Mr.
 16 Archambeault?

17 A. What do you mean by I don't know
 18 how I got it?

19 Q. Well, I'll go back and rephrase the
 20 question. Do you know how you got this document?

21 A. Yes.

22 Q. And can you enlighten us as to how
 23 you got this document?

24 A. When you go into the Detention

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1 Center you receive this form, this booklet, I'm
 2 sorry.

3 Q. Let's step back a little bit
 4 because a few minutes ago you told me twice that
 5 the document that you were given when you entered
 6 the facility you returned. Is that not true now?

7 A. I did return it. When I left the
 8 Detention Center I returned it.

9 Q. The document that is in front of
 10 you marked Berks County-1 that has the name Maria
 11 something at the top of it, is it your testimony
 12 that that is the document that was handed to you,
 13 specifically that was the document that was handed
 14 to you when you entered the Berks County
 15 Residential Center?

16 A. Yes.

17 Q. Okay. With the name on it?

18 A. Yes, it was like that already. I
 19 didn't write it in.

20 Q. And who from the Berks County
 21 Residential Center handed that to you?

22 A. The staff.

23 Q. Who from the staff, can you
 24 identify the person who handed it to you?

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1 A. No. That was the first day that we
 2 arrived there. And there were a lot of people
 3 there that welcome you. I don't know who gave it
 4 to me, specifically.

5 Q. Okay. And the day that it was
 6 handed to you you remembered seeing the name Maria
 7 at the top of it?

8 A. Yes.

9 Q. Okay. And did you ask anybody
 10 about why you got one with somebody else's name on
 11 it?

12 A. No. Besides, we already knew it
 13 was from somebody else that had been there. And I
 14 didn't think it was very important that it had a
 15 name already. Plus if it was given to me, I just
 16 took it.

17 Q. When you took it, did you read it?

18 A. No.

19 Q. You would agree that you were
 20 advised to read it, yes?

21 A. Yes.

22 Q. And you were advised of the rules
 23 of the facility; yes?

24 A. Yes.

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1 Q. And you were told about the
 2 different programming available at the facility;
 3 yes?

4 A. Yes.

5 Q. And that's when you learned about
 6 the work program and you signed up for the work
 7 program; right?

8 A. Yes, they did mention it, but it
 9 was because of the women there that I went into
 10 that program there.

11 Q. And after receiving this document
 12 you held onto that document; right, you kept it
 13 with you during your time at the facility?

14 A. Yes.

15 Q. And you agree that you entered the
 16 facility in May of 2014; yes?

17 A. Yes.

18 Q. Do you understand what the word
 19 orientation means?

20 A. Yes.

21 Q. What does it mean to you?

22 A. It's like they're giving you
 23 orientation or teaching you, something like that.

24 Q. Do you recall undergoing

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1 orientation at the Berks County Residential
 2 Center?

3 A. Yes.

4 Q. And you remember signing a document
 5 saying that you underwent orientation when you
 6 entered the Berks County Residential Center; yes?

7 A. No.

8 Q. No, okay. So if there's somebody
 9 who signed a document that said you did, that
 10 person would be lying?

11 A. I wouldn't say it's a lie because
 12 when we got there we signed so many papers I
 13 really don't know what I signed.

14 Q. Well, if somebody else signed a
 15 document that said that you underwent the
 16 orientation program, would they be lying?

17 A. I don't know.

18 Q. Okay. So do you recall receiving
 19 information regarding sexual abuse and assault
 20 prevention and intervention upon your entry into
 21 Berks County Residential Center?

22 A. I don't recall having taken any
 23 orientation about that.

24 Q. Okay. So it's possible that you

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1 did, but you just don't recall it?

2 A. I don't remember.

3 Q. Do you remember looking at the
4 lawsuit in this case before it was filed with The
5 Court?

6 A. What do you mean? I don't
7 understand.

8 Q. Okay. The lawsuit that was filed
9 in this court is a piece of paper that sets forth
10 allegations against my clients and others stating
11 why you believe they violated your civil rights.
12 It's a piece of paper approximately 14 pages long.

13 Do you recall looking at that
14 before it was filed with The Court?

15 A. I don't understand what you are
16 trying to ask me or trying to make me understand.

17 Q. What about that question don't you
18 understand?

19 A. Are you asking if I saw these 14
20 pages before?

21 Q. Yes.

22 A. No, I don't know.

23 Q. You don't know. You don't know if
24 you reviewed the allegations that you put in

1 looks like that in Spanish ever?

2 A. Yes.

3 MR. CONNELL: Okay. Madam
4 Interpreter, I would ask you to read
5 paragraph 55 to the witness.

6 THE INTERPRETER: Okay.

7 BY MR. CONNELL:

8 Q. [REDACTED], did you know that
9 allegation was in this lawsuit?

10 A. Yes.

11 Q. Was that a truthful statement, as
12 you sit here today?

13 A. Yes.

14 Q. Okay. Can you read for me, [REDACTED].

15 [REDACTED], from Exhibit Berks County-1 Page 19? You
16 can read it to yourself, if you'd like, but I want
17 to make sure that you read that page.

18 A. All right. (Witness complies.)

19 Q. Is there anything in that section
20 of the resident handbook that you don't
understand?

21 A. No.

22 MR. CONNELL: Mark this as 5,
23 please.

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1 Federal Court against my clients, you don't know
2 if you reviewed them before they were filed with
3 The Court, that's your testimony today?

4 A. I don't know.

5 Q. I'm handing you what's been filed
6 as a Third Amended Complaint, Document 58 dash 1
7 filed on May 30th of 2017, 14 pages. [REDACTED],
8 I'm handing you that document for you to take a
9 look at. Take your time please and look at that
10 document, if you can.

11 A. But it's in English. So I can't
12 understand everything that is said here.

13 MS. YEH: Mr. Connell, may I
14 interject here? It may be that the
15 prior versions did have her signature.

16 MR. CONNELL: No, we can discuss
17 that after this line of questioning.

18 BY MR. CONNELL:

19 Q. So I understand that there was a
20 language barrier with you reading that document.

21 A. Okay?

22 A. Okay.

23 Q. If you just look at what the
24 document looks like, have you seen anything that

1 ---

2 (Whereupon, Exhibit Berks County-5
3 was marked for identification.)

4 ---

5 BY MR. CONNELL:

6 Q. [REDACTED], I'm handing you what's
7 been marked as Berks County-5. Can you take a
8 moment and look at that for me?

9 A. (Witness complies.)

10 Q. [REDACTED], at the bottom of that
11 page there is a line that says, resident name.
12 Do you see that?

13 A. Yes.

14 Q. And there is a line that says,
15 resident signature, and then a date.

16 Do you see that?

17 A. Yes.

18 Q. And do you recall signing that
19 document?

20 A. Yes, it's my signature, but I don't
21 remember having read this.

22 Q. Did you have any occasion of
23 anybody else signing your name to any documents at
24 the Berks County Residential Center that you're

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1 aware of?

2 A. No.

3 Q. Is it your belief that somebody
4 forged your name to this document and that Mr.
5 Salvati was wrong when he signs off that you
6 signed it?

7 A. No. Like I said before, I do
8 recognize it's my signature, it's my name. But,
9 like I said before, I don't remember having read
10 it. I signed so many papers that day I don't
11 remember. I don't even know what I signed.

12 Q. Do you recall watching a video
13 during orientation about your rights at the
14 facility?

15 A. No.

16 Q. You don't recall that?

17 A. No, I don't recall.

18 Q. Did you know how to get food at the
19 Residential Center?

20 A. Yes.

21 Q. How did you know that?

22 A. The social workers told us how to
23 do it. And also the other girls that were there
24 that had been there before told us what we could

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1 do.

2 MR. CONNELL: Mark this as 6,
3 please.

4 ---

5 (Whereupon, Exhibit Berks County-6
6 was marked for identification.)

7 ---

8 BY MR. CONNELL:

9 Q. **E.D.**, I'm handing you a
10 document that's been marked as Berks County-6.

11 Can you take a moment to look at
12 that?

13 A. (Witness complies.)

14 Q. The same questions as before, at
15 the bottom -- I'm sorry.

16 A. Yes.

17 Q. Have you had a moment to look at
18 that document?

19 A. I don't remember it.

20 Q. Okay. Will you agree with me
21 there's a name at the bottom next to the word
22 signature or firma and your name is there?

23 A. Yes.

24 Q. And just above that about half way

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1 through the page is a signature with your name in
2 it?

3 A. Yes.

4 Q. Can you read that sentence that has
5 your signature in it for me, please?

6 A. Read it out loud?

7 Q. Yes, please, for the record.

8 A. (Witness complies.)

9 THE INTERPRETER: Interpreter,
10 there is a typo on the word notified.

11 Otherwise it reads, I, **E.D.**

12 **E.D.** acknowledge that I was
13 notified and I understand the following
14 information that I am responsible for
15 informing my family the same
16 information.

17 BY MR. CONNELL:

18 Q. Okay. And you'll agree -- and what
19 are the three things underneath that says that
20 you're acknowledging receipt of this?

21 A. I don't know.

22 Q. You can't read those things?

23 A. The emergency evacuation
24 orientation, general information orientation, I

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1 don't know that. And the video, I don't remember
2 that.

3 Q. Okay. But you'll agree that this
4 document says you are acknowledging that you have
5 been notified of this information and you're
6 responsible for informing your family of that,
7 that's what you signed off on this document,
8 you'll agree with that?

9 A. Well, this I'm sure of. But this I
10 don't remember if I signed that or maybe I did. I
11 don't know. (Witness indicating.)

12 Q. Okay. Again, my question for you
13 then is do you know any circumstances under which
14 anybody else signed your name to another document?

15 A. No.

16 Q. Do you believe that that's what
17 happened here, somebody else signed your name to
18 this document?

19 A. I don't know.

20 Q. So you think that's a possibility?

21 A. Yes.

22 Q. Okay. And is there any reason --
23 what is your basis of thinking that somebody else
24 signed your name to this document?

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1 A. No, I couldn't say.
 2 MR. CONNELL: Mark this as Berks
 3 County-7, please.

4 ---
 5 (Whereupon, Exhibit Berks County-7
 6 was marked for identification.)

7 ---
 8 BY MR. CONNELL:

9 Q. **E.D.**, I'm handing you what's
 10 been marked as Berks County-7.

11 A. (Witness complies.)

12 Q. If you can let us know when you've
 13 had an opportunity to review that document?

14 A. This one is in English.

15 Q. Okay. Well, I am going to ask you
 16 if you recognize your name anywhere on that
 17 document?

18 A. Yes, here. (Witness indicating.)

19 Q. And do you remember signing your
 20 name on that document?

21 A. I don't know. My name is there, so
 22 I did sign it.

23 MR. CONNELL: Mark this as Berks
 24 County-8, please.

1 is truthful?

2 A. Yes.

3 Q. Well, now that we got that out of
 4 the way let's start talking about what your
 5 allegations are all about. When did your
 6 relationship with Sharkey start?

7 A. When I arrived at the Detention
 8 Center we started to -- well, with the whole staff
 9 we started to get to know people. We lived side
 10 by side with all of the workers daily, including
 11 him, Dan, I saw him daily. And as time went by,
 12 about a month, month and a half, one day he said
 13 that he liked me or that I was very pretty and
 14 that he liked me. But it's like I thought he was
 15 playing. He said that that time. And then other
 16 days passed by and he continued telling me that.
 17 He was nice with me and my son. It was like,
 18 well, we had a lot of time there. So we went
 19 outside. We spent time outside playing, things
 20 like that.

21 Q. So you said that after about a
 22 month and a half is when Mr. Sharkey first said
 23 something to you about liking you; yes?

24 A. Yes.

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1 ---
 2 (Whereupon, Exhibit Berks County-8
 3 was marked for identification.)

4 ---
 5 BY MR. CONNELL:

6 Q. **E.D.**, I'm going to hand you
 7 what's been marked as Berks County-8.

8 A. (Witness complies.)

9 Q. Can you let us know when you've had
 10 an opportunity to review that document?

11 A. (Witness complies.)

12 Q. Do you remember signing that
 13 document?

14 A. I don't remember if I read it, but
 15 it has my signature, my name.

16 Q. So if I go back to Paragraph 55 of
 17 the Third Amended Complaint, that allegation
 18 states, when plaintiff first entered the facility
 19 she did not receive any information during
 20 orientation about sexual abuse, sexual assault or
 21 how to report sexual abuse, comma, sexual assault
 22 or other improper behavior by staff members,
 23 comma, nor did she receive this information at any
 24 other time. Do you still believe that statement

1 Q. That would have been somewhere in
 2 June or July of 2014 then; correct?

3 A. In June, like around or the
 4 beginning of July, yes.

5 Q. And what was your response when he
 6 first started telling you that he liked you?

7 A. Nothing. I thought he was playing,
 8 like playing, just joking.

9 Q. How long -- at some point you
 10 realized that he was not joking; yes?

11 A. Yes.

12 Q. And how long was it after he first
 13 said that he liked you that you realized he was
 14 not joking?

15 A. When he -- after that time that he
 16 told me he would always tell me that he liked me.
 17 When I realized that he wasn't joking around was
 18 when he kissed me, he kissed me in the mouth.

19 Q. So the first time you realized he
 20 wasn't joking was when he kissed you, you didn't
 21 realize it before that or at any other time?

22 A. Yes, he said that he liked me, but
 23 I didn't think that he was going to do what
 24 happened.

1 Q. So tell me about the time when he
 2 first kissed you. Where were you?
 3 A. In the laundry room, yes.
 4 Q. What laundry room? Where was the
 5 laundry room?
 6 A. In the dorms.
 7 Q. Was this on the same floor where
 8 your room was or on another floor?
 9 A. Yes.
 10 Q. And do you recall suggesting to him
 11 that you and he kiss?
 12 A. No.
 13 Q. Okay. So if somebody said that you
 14 said that you suggested to Sharkey that you're
 15 boyfriend/girlfriend, you should kiss, that would
 16 be inaccurate or a lie?
 17 A. I'm sorry, did you say someone?
 18 MR. CONNELL: Can you read that
 19 back?
 20 - - -
 21 (Whereupon, a pertinent portion of
 22 the record was read back by the court
 23 reporter.)
 24 - - -

1 you and he should kiss before you ever kissed?
 2 A. No.
 3 Q. So but you think you may have told
 4 somebody at some point that you did suggest to Mr.
 5 Sharkey that you and he kiss; correct?
 6 MS. YEH: Objection. Can you
 7 clarify at what point? This is the
 8 first kiss, second kiss or further on?
 9 That might help.
 10 MR. CONNELL: I mean, I'll rephrase
 11 that, but that doesn't make sense
 12 because the question is at any time
 13 before he kissed did she suggest, but
 14 whatever. That's fine. If you want to
 15 ask that question, I'd be happy to go
 16 along with that one.
 17 BY MR. CONNELL:
 18 Q. At any time ever in the history of
 19 your life, did you ever suggest to Mr. Sharkey
 20 that you and he should kiss?
 21 A. I don't know.
 22 Q. So it's possible that you did and
 23 you just don't recall?
 24 A. Possibly.

1 THE WITNESS: Well, he would say
 2 that we were girlfriend and boyfriend,
 3 but not at that time when the first kiss
 4 happened. That happened afterwards.
 5 BY MR. CONNELL:
 6 Q. Okay. But if -- I'm going to ask
 7 my question again. If someone were to have said
 8 or reported that you told them that you suggested
 9 to Sharkey that you should kiss, you and he, then
 10 that would be a misstatement or a lie; yes?
 11 A. He's the one that kissed me. I
 12 didn't ask him to kiss me. I didn't ask him to
 13 kiss me when it happened.
 14 Q. So my question is if somebody
 15 reported that you told them that you did that,
 16 that would be a lie?
 17 A. At one point, yes, I might have
 18 said it. I said it at one point.
 19 Q. So you said it at one point and now
 20 you're saying now that's not the way it happened,
 21 is that what you're saying today in your
 22 testimony?
 23 A. No.
 24 Q. Did you suggest to Mr. Sharkey that

1 Q. Okay. And it's, therefore, also
 2 possible that it was the first time that you and
 3 Sharkey kissed that you suggested to him that you
 4 and he should kiss; yes?
 5 A. No.
 6 Q. Okay. So it's possible that you
 7 said it at some point, but it's not possible that
 8 it's the first time; that's your testimony today?
 9 A. Yes.
 10 Q. How did you and he communicate?
 11 A. He knew very little. He knew some
 12 words. But he always had his phone, his
 13 translator.
 14 Q. And did he have that translator
 15 when you were both inside and outside the
 16 facility?
 17 A. Yes.
 18 Q. What do you mean by his phone, his
 19 translator; what are you talking about?
 20 A. The application, the translation
 21 application on his phone.
 22 Q. Is this something you spoke into it
 23 and it translated or you had to type something
 24 into it and you both had to look into it to figure

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1 out who's saying what?

2 A. Yes, he would type it and I would
3 look at it, something like that.

4 Q. Is there any other way that the two
5 of you communicated during your relationship?

6 A. No. Maybe he would have a note or
7 some piece of paper. And also the computers in
8 the center, there were computers could also be
9 used as a translator in the computer.

10 Q. Those computers are in a library
11 type area at the facility; right?

12 A. There's a room with computers and
13 then there's also the library that has computers.

14 Q. And which room did you use, the
15 library or the other room when you communicated
16 with Sharkey?

17 A. The library.

18 Q. And the library is open to other
19 people when you're in there; yes?

20 A. Yes.

21 Q. And how long -- strike that.

22 Just so I can get an idea of timing
23 here, it was about a month or a month and a half
24 after you were in the facility that Sharkey first

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1 told you he liked you and that it was some period
2 of time after that that you and he first kissed;
3 is that right?

4 A. Yes.

5 Q. How long was it between when he
6 first told you he liked you and the first time you
7 and he kissed?

8 A. About a week, days, a week.

9 Q. Okay. And when that first kiss
10 occurred, that's when you said you realized that
11 he wasn't joking around; yes?

12 A. Yes.

13 Q. Did you think it was unusual at
14 that point that he kissed you?

15 A. I did know that it couldn't happen,
16 that it shouldn't happen, that it wasn't correct.

17 Q. What was your reaction, physically
18 what was your reaction when you and he kissed?

19 A. I didn't say anything, and I left
20 the laundry. I didn't know what to do or say. I
21 left.

22 Q. Was there anybody else around?

23 A. No.

24 Q. At that point did you report Mr.

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1 Sharkey's behavior to any other member of staff?

2 A. No.

3 Q. Did you file a grievance with the
4 Berks County Residential Center?

5 A. No.

6 Q. Did you contact Immigration and
7 Customs Enforcement in any way to tell them about
8 your kiss with Mr. Sharkey?

9 A. No.

10 Q. Did you file a complaint with the
11 Department of Homeland Security?

12 A. No.

13 Q. I just have a couple of more
14 questions and we can take a break along these
15 lines. Did you contact the Office of the
16 Inspector General through the free phone call
17 center available to you at the Berks County
18 Residential Center?

19 A. No.

20 Q. Did you write to the Department of
21 Homeland Security Hotline as set forth in the
22 resident handbook that you acknowledged receiving?

23 A. No.

24 Q. Did you notify a relative, friend

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1 or your attorney at that point of you and Sharkey
2 kissing?

3 A. Just to my friend, Patricia.

4 Q. And this is the same Patricia that
5 you mentioned at the outset of the deposition as
6 one of the people you talked to about this
7 relationship?

8 A. Yes.

9 Q. Would you like to take a break?

10 MS. YEH: We'll take a short break.
11 Take a break?

12 THE WITNESS: Yes.

13 MS. YEH: Just a two-minute break.

14 THE WITNESS: Okay.

15 ---

16 (Whereupon, a discussion took place
17 off the stenographic record.)

18 ---

19 MR. CONNELL: Back on the record.
20 BY MR. CONNELL:

21 Q. All right. [REDACTED], we've been
22 just talking about the first time that you and
23 Sharkey kissed. After that first time, what was
24 the next time you and Sharkey had any contact?

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1 A. The next day. Contact that I saw
 2 him or are you referring to contact more intimate?
 3 Q. Well, let's talk about the next
 4 time you saw him. The next day was the next time
 5 you saw him?

6 A. Yes.

7 Q. Did you interact with him that day?

8 A. I saw him, but I wasn't with him.

9 I wasn't close to him or anything, because I
 10 really didn't know how to act after that had
 11 happened.

12 Q. Did he say anything to you the next
 13 day?

14 A. No, I don't remember if the next
 15 day, but, no, nothing. But then he did have
 16 translated on his phone already that no one could
 17 know anything, otherwise I would be in trouble and
 18 if immigration found out I would be deported, and
 19 that scared me.

20 Q. Did you have an attorney at this
 21 time?

22 A. No.

23 Q. So you were -- it's your testimony
 24 that more than a month and a half after you're at

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1 the facility you did not have an attorney?

2 A. Yes.

3 Q. That's your testimony?

4 A. Yes.

5 Q. This is going to be a difficult
 6 question to ask, so it might be a difficult
 7 question to understand. So you don't understand
 8 I'll circle back. Okay?

9 A. Okay.

10 Q. From the time that you and Sharkey
 11 first kissed until the time that you first talked
 12 to an investigator about it, what period of time
 13 is that?

14 A. That I spoke with the
 15 investigators?

16 Q. Yes.

17 A. I spoke with the investigators
 18 around September.

19 Q. So from the time you first kissed
 20 until then, two weeks, four weeks, six weeks,
 21 eight weeks, somewhere in between?

22 A. About two months.

23 Q. And during that period of time, did
 24 you have an attorney?

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1 A. I think it was August when I got my
 2 attorney, Matthew, August or September, beginning
 3 of September. I'm not sure if it was the end of
 4 August or the beginning of September, sometime
 5 around there.

6 Q. Did you have any communications
 7 with your mother during the time that you were at
 8 the Berks County Residential Center?

9 A. Yes.

10 Q. How did you communicate with your
 11 mother?

12 A. I could call her from the center.
 13 There were phones there.

14 Q. And did you do that while you were
 15 there, call and speak with your mother?

16 A. Yes.

17 Q. And from the time that Sharkey and
 18 you first kissed until the time you spoke with
 19 investigators, did you have conversations with
 20 your mother during that period of time?

21 A. Yes.

22 Q. And did you tell your mother about
 23 your relationship with Sharkey?

24 A. No.

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1 Q. After the first time you and
 2 Sharkey kissed, when was the next time you and
 3 Sharkey had physical contact? And describe that
 4 contact.

5 A. A few days. Well, then he showed
 6 me the translation. And I didn't know what to do.
 7 He was always near me. Wherever I was he was
 8 close by. So the contacts were many. He would
 9 maybe touch my hand or a hug or a kiss, something
 10 like that.

11 Q. Did you kiss him?

12 A. He would kiss me. I mean, yes, I
 13 would kiss back.

14 Q. Is Patricia Ms. Rivera, is that her
 15 last name?

16 A. Oh, I think so, I think it's
 17 Patricia Rivera and then the other last name that
 18 I wrote down.

19 Q. Do you recall telling investigators
 20 that she would act as a lookout when you and
 21 Sharkey were together?

22 A. No.

23 Q. You don't remember telling anybody
 24 that?

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1 A. No. She was always with me, but I
2 don't remember having said that.
3 Q. And do you remember Sharkey giving
4 you a ring?
5 A. Yes.
6 Q. Do you remember Sharkey giving you
7 shirts?
8 A. Yes.
9 Q. Do you remember Sharkey giving you
10 music CDs?
11 A. Yes.
12 Q. Do you remember Sharkey letting you
13 use his telephone?
14 A. Yes.
15 Q. Do you remember telling all of the
16 investigators all of those things; right?
17 A. Yes.
18 Q. Do you remember telling the
19 investigators that you and Sharkey engaged in
20 sexual intercourse?
21 A. Yes.
22 Q. When was the first time you and
23 Sharkey engaged in sexual intercourse?
24 A. In the women's bathroom.

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1 that would be mistaken or a lie?
2 A. Well, maybe no because he was -- he
3 really was always close to me. So he was behaving
4 that way.
5 Q. Did you develop feelings for Mr.
6 Sharkey?
7 A. Yes.
8 Q. And it's true that when you and he
9 engaged in sexual relations you knew to do it
10 somewhere were cameras were not; correct?
11 A. Yes.
12 Q. And, I'm sorry, that was a terrible
13 question. I just want to make sure I'm clear.
14 You knew that there were cameras
15 located throughout the building in certain areas;
16 yes?
17 A. Yes.
18 Q. And you also knew that there were
19 areas in the facility where there were no cameras;
20 correct?
21 A. Yes.
22 Q. And when you and Mr. Sharkey
23 engaged in sexual relations you did it in places
24 where you knew there would be no cameras; correct?

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1 Or do you mean the time?
2 Q. Well, let's ask first, when was it,
3 when was the first time in time that you and
4 Sharkey engaged in sexual intercourse?
5 A. Around July. No, August, maybe the
6 beginning of August.
7 Q. How long was it after the first
8 time you and Sharkey kissed that you had sexual
9 intercourse?
10 A. A couple weeks, two or three weeks.
11 Q. Is it true that you told
12 investigators that you and Sharkey kissed and
13 hugged like you were boyfriend and girlfriend?
14 A. That's what he would always tell
15 me, that he was like my boyfriend and I was like
16 his girlfriend.
17 Q. And is it true that you told
18 investigators that you believed you were his
19 girlfriend and he was your boyfriend?
20 A. I don't know how I told them, but
21 maybe I told them like I am telling you now.
22 Q. So if they testified that --
23 investigators testified that you told them that
24 you and he acted like boyfriend and girlfriend,

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1 A. Yes.
2 Q. And you did it in areas, you and he
3 -- strike that.
4 When you engaged in sexual
5 interactions with Mr. Sharkey in areas where there
6 were no cameras, you did it so that you could
7 conceal what you were doing; correct?
8 A. Yes.
9 Q. And you did that because you didn't
10 want anybody else to know what was going on;
11 correct?
12 A. Yes.
13 Q. What was that?
14 A. Yes.
15 MR. CONNELL: I thought I heard,
16 no, si.
17 BY MR. CONNELL:
18 Q. Now, you had told investigators
19 that you and Mr. Sharkey engaged in sexual
20 intercourse on three occasions; is that accurate?
21 A. Yes.
22 Q. But there were other occasions
23 where Mr. Sharkey and you would engage in other
24 things like kissing and hugging; correct?

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1 A. Yes.
 2 Q. Would you -- strike that.
 3 Is it correct that you and he would
 4 also when you engaged in just hugging and kissing
 5 also did that in areas where there were no
 6 cameras?
 7 A. Yes.
 8 Q. There were three areas where you
 9 and Mr. Sharkey engaged in sexual intercourse in
 10 the building; correct?
 11 A. Yes.
 12 Q. One of them was in an area of the
 13 chapel on the second floor; yes?
 14 A. Yes.
 15 Q. One of them was in a first-floor
 16 bathroom that was off of a hallway; yes?
 17 A. In the chapel you're talking about
 18 kisses and hugs and things like that, is that what
 19 we're talking about now or are you talking about
 20 sexual intercourse?
 21 Q. I'm sorry, I was talking about
 22 sexual intercourse, but I'll leave you to clarify
 23 if that's what did happen in the chapel, in the
 24 area of the chapel.

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1 that you engaged in sexual intercourse in
 2 Patricia's room?
 3 A. Days after, days after, I think, or
 4 a week.
 5 Q. If I can direct your attention back
 6 to Berks County-1?
 7 A. (Witness complies.)
 8 Q. On Page 19 that I have previously
 9 identified next to these bullet points are various
 10 sentences. Can you tell me whether you did any of
 11 those things after the first time you and Mr.
 12 Sharkey engaged in sexual relations? And let me
 13 know if you don't understand my question. I'd be
 14 happy to rephrase it for you.
 15 A. No, I didn't do anything.
 16 Q. You didn't advise anybody of what
 17 had happened; correct?
 18 A. No.
 19 Q. At the time where you and Mr.
 20 Sharkey engaged in sexual relations in Patricia's
 21 room, was Patricia there?
 22 A. No.
 23 Q. Was she outside the room, to your
 24 knowledge?

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1 A. There it was like hugs and kiss.
 2 Q. Okay. Can you describe for -- can
 3 you state the locations at the facility where you
 4 had sexual intercourse with Mr. Sharkey each time?
 5 A. In the women's bathroom, and in the
 6 room in the dorm.
 7 Q. Was the room, the dorm room you
 8 had, was it your room or Patricia's room?
 9 A. Patricia's.
 10 Q. And was it two times in the female
 11 bathroom or two times in the dorm room?
 12 A. Two times in the women's bathroom.
 13 Q. And is it my understanding from
 14 reading the investigation reports that the two
 15 times in the women's bathroom were on the same
 16 day?
 17 A. Yes.
 18 Q. And was that the first time that
 19 you and Mr. Sharkey engaged in sexual relations,
 20 sexual intercourse?
 21 A. Yes.
 22 Q. How long after that first day where
 23 you and Mr. Sharkey engaged in sexual intercourse
 24 in the female bathroom, how long after that was it

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1 A. No. She was in the living room.
 2 Q. The living room is at the end of
 3 the hallway where the TV, et cetera, TV are?
 4 A. Yes.
 5 Q. Did you ever talk about these
 6 interactions with Mr. Sharkey with your roommates?
 7 A. No.
 8 Q. Sharkey told you that you would be
 9 deported if anybody found out about your
 10 relationship; correct?
 11 A. Yes.
 12 Q. And you later found out that that
 13 wasn't true, that you were not going to be
 14 deported if anybody found out about your
 15 relationship; correct?
 16 A. But that wasn't until I spoke with
 17 my attorneys and they made me understand that that
 18 wasn't going to happen. For a very long time I
 19 continued to think that it was going to happen.
 20 Q. But you did find out that that
 21 wasn't something that was going to happen as a
 22 result of your relationship, it may have been
 23 because of something unknown, but it wasn't going
 24 to be because of your relationship with Sharkey at

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1 that point?

2 A. Yes.

3 Q. In fact, you talked to your
4 psychologist at the facility about that, you
5 started talking to your psychologist about the
6 relationship and you realized then that you were
7 not going to be deported because of the
8 relationship; right?

9 MS. YEH: Objection just to the
10 extent of the portrayal as a
11 psychologist.

12 MR. CONNELL: And she was referring
13 to it as a psychologist. I recognize
14 it's just a licensed social worker.

15 THE WITNESS: Yes, I told the
16 psychologist that, about it.

17 BY MR. CONNELL:

18 Q. Okay. And when we refer to the
19 psychologist we're referring to Gina Westner?

20 A. Yes.

21 Q. Is it fair to say that you never --
22 strike that.

23 Do you know who Diane Edwards is?

24 A. Yes. I think she was a manager

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1 having a relationship with Mr. Sharkey; is that
2 fair to say?

3 A. Yes.

4 Q. And this may have been a question I
5 asked before, so I apologize. You never filed any
6 sort of grievance at the Berks County Residential
7 Center about any interactions that you had with
8 Sharkey, either sexual or otherwise?

9 A. No.

10 Q. When did you first learn that
11 somebody was aware of your relationship with
12 Sharkey?

13 A. How is that? I don't understand.

14 MR. CONNELL: Can you read the
15 question back?

16 - - -

17 (Whereupon, a pertinent portion of
18 the record was read back by the court
19 reporter.)

20 - - -

21 MR. CONNELL: I'll rephrase the
22 question. It's a terrible question.

23 BY MR. CONNELL:

24 Q. How did you come to know that the

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Page 100

1 there, supervisor or something there.

2 Q. Would you have known who she was at
3 the time while you were there?

4 A. Yes.

5 Q. Okay. She walks the halls freely,
6 you see her walking around the hallways; correct?

7 A. No, never really.

8 Q. How would you know her at the time
9 then?

10 A. Well, I knew about her after this
11 thing with Dan happened because she was the one
12 that I'd go to that would show me to other people
13 or that would take me to be taken to other
14 facilities to talk to people.

15 Q. Okay. So prior to -- strike that.

16 While you and Mr. Sharkey's
17 relationship was ongoing you did not know who
18 Diane Edwards was; is that what I'm hearing?

19 A. Yes, because you would never see
20 her in places where we were or that she would talk
21 to us, no.

22 Q. So it's fair to say that during
23 your relationship with Mr. Sharkey you never
24 talked to Ms. Edwards about the fact that you were

1 officials at the Berks County Residential Center
2 became aware of your relationship with Sharkey?

3 A. Just like many of the women
4 detained there that noticed that something was
5 happening because he was always near me, he was
6 always close to me. If I was outside he went to
7 my room. When men were not supposed to go in
8 there he would go in there. The same thing in the
9 laundry room, he would go in when men were not
10 supposed to be there. And no one ever said
11 anything. I suppose just like the people there
12 noticed and the staff there would have noticed
13 what was happening.

14 Q. Okay. But my question is when did
15 you first find out that people actually knew?

16 A. No, I don't have a specific time.
17 I don't know. I can't really say.

18 Q. At some point you realized that
19 Sharkey wasn't working there anymore; right?

20 A. Yes.

21 Q. And how did you come to find that
22 out?

23 A. In August I knew that some of the
24 detainees went to talk to a supervisor and then

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1 went to talk to a supervisor to complain of what
 2 they saw, they saw that Dan was always close to me
 3 and they saw some kind of preference and they went
 4 to talk. And then after that he did not return to
 5 work.

6 Q. And is it your understanding that
 7 that was the first time anybody went to
 8 supervisors and told them of what was going on?

9 A. Maybe so.

10 Q. Do you have anything indicating
 11 that they went to supervisors at any time before
 12 that?

13 A. No.

14 Q. What was your first reaction when
 15 you found out that Sharkey wasn't working there
 16 anymore?

17 A. I was scared. Well, because he had
 18 already showed me the thing that said that if
 19 someone found out that I was going to be deported.
 20 So that made me afraid.

21 Q. At some point you had access to Mr.
 22 Sharkey's phone including the combination to enter
 23 his phone; correct?

24 A. Yes.

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1 Q. How did you get the combination to
 2 enter his phone?

3 A. He gave it to me.

4 Q. And would you use that phone to
 5 call family or for what?

6 A. Yes, I used it to call my mother.
 7 He would always -- he sometimes would lend me his
 8 phone.

9 Q. Did you ask him for the phone in
 10 which he responded by lending it to you and giving
 11 you the combination?

12 A. Yes.

13 Q. I previously asked you that on
 14 several occasions you spoke with Detective Michael
 15 Hoffert and Special Agent Michael Fischgrund,
 16 F-i-s-c-h-g-r-u-n-d, and that those conversations
 17 with them was videotaped.

18 Do you recall that testimony?

19 A. Yes.

20 Q. And you knew that it was being
 21 videotaped; correct?

22 A. Yes.

23 Q. And you knew the reason talking to
 24 them was part of the criminal investigation which

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1 might have led to criminal charges against Mr.
 2 Sharkey; correct?

3 A. Yes.

4 Q. And you knew going into those
 5 conversations that if you lied to the
 6 investigators you might be guilty of a crime;
 7 correct?

8 A. Yes.

9 Q. And, therefore, and you told the
 10 truth during those interviews; correct?

11 A. Yes.

12 Q. Do you remember how many times it
 13 was that you were interviewed by them on
 14 videotape?

15 A. One time, I think.

16 Q. The criminal investigation records
 17 reflect that they interviewed you on three
 18 occasions; December 4th of 2014, December 12th of
 19 2014 and December 18th of 2014.

21 Does that sound right?

22 A. Well, I don't know how many times
 23 it was, but I remember that I talked to them a lot
 24 of times.

Q. When you told them that the sexual

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1 intercourse that you had with Mr. Sharkey was
 2 consensual, were you being truthful then?

3 A. Well, yes, I know that at certain
 4 points I was consensual about what was happening,
 5 but then I didn't know what to do, and at what
 6 point I felt obligated to do what was happening
 7 because of the behavior, of his behavior towards
 8 me.

9 Q. When you say because of his
 10 behavior towards you, are you referring to -- what
 11 are you referring to?

12 A. Because he was a jealous man. He
 13 acted jealous when from other male staff he would
 14 act as a jealous boyfriend. And there were also
 15 kids that were 16 or 17 years old, and he acted
 16 jealous around them, I couldn't be around them.

17 MR. CONNELL: Mark this as Berks
 18 County-9, please.

19 - - -

20 (Whereupon, Exhibit Berks County-9
 21 was marked for identification.)

22 - - -

23 BY MR. CONNELL:

24 Q. E.D., I'm handing you what's

<p style="text-align: right;">Page 105</p> <p>1 been marked Berks County-9. Can you take a moment 2 and look at that, please?</p> <p>3 A. (Witness complies.)</p> <p>4 Q. I recognize that it's not in 5 Spanish. Have you ever seen that document before?</p> <p>6 A. Yes.</p> <p>7 Q. When did you see it before?</p> <p>8 A. For the interviews that I had with 9 the investigators.</p> <p>10 Q. Did the investigator show you this 11 document?</p> <p>12 A. No. But, well, they were there 13 while they were writing down, they were writing it 14 in.</p> <p>15 Q. So is it -- just so that I can try 16 to clarify, this document was with the 17 investigators when they were interviewing you; 18 yes?</p> <p>19 A. Yes.</p> <p>20 Q. They would ask you the question and 21 you would give the answer and then they would 22 write it down; is that how it would work?</p> <p>23 A. Yes.</p> <p>24 Q. And did they after they asked you</p>	<p style="text-align: right;">Page 107</p> <p>1 investigation. And I'll try to go slow. I'm 2 going to read this straight through. It's only a 3 half a page, two sentences. Sexual intercourse 4 twice in one day in first-floor bathroom.</p> <p>5 Second time prearranged because he 6 said he wanted to do it again when we were going 7 into dining room for dinner. Did he tell you a 8 time? Yes, at 6:30 when we were allowed to go 9 outside.</p> <p>10 Third time -- or strike that.</p> <p>11 Third time had sex in Patricia's 12 room one week after first time, comma, last week 13 he wanted --</p> <p>14 MS. YEH: Counsel, if I may, do you 15 have the page?</p> <p>16 MR. CONNELL: I'm sorry, I'll give 17 you the page. My apologies. I'm going 18 to have it marked because I figured 19 because she's not going to be able to 20 identify the document.</p> <p>21 MS. YEH: All right.</p> <p>22 MR. CONNELL: So I want to read the 23 statement in.</p> <p>24 BY MR. CONNELL:</p>
<p style="text-align: right;">Page 106</p> <p>1 the questions, did they give you the opportunity 2 to review your answers, did they review your 3 answers with you?</p> <p>4 A. No.</p> <p>5 Q. Were they working -- or strike 6 that.</p> <p>7 Was there an interpreter in the 8 room?</p> <p>9 A. Yes.</p> <p>10 Q. Did you have any trouble 11 understanding what they were asking you?</p> <p>12 A. Maybe a little.</p> <p>13 Q. Did you tell them that?</p> <p>14 A. I don't remember. Or maybe it was 15 like how we are now.</p> <p>16 Q. At the end of that interview with 17 those police officers, were you confident that you 18 told them the truth on everything and they 19 understood you were telling them the truth?</p> <p>20 A. Yes.</p> <p>21 Q. E.D., I'm going to ask you to 22 bear with me. I'm going to read this document. 23 And I'm trying to figure out what it is. It's 24 related to the investigation of the criminal</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. So I'm going to go back and start 2 that last sentence again. Third time had sex in 3 Patricia's room one week after first time, comma, 4 last week he watched -- worked, though, before 5 dinner. States Patricia didn't know. 6 I'll stop there. 7 And then the last two sentences, 8 performed oral sex on him the third time in 9 Patricia's room. Dan performed oral sex on her on 10 all three occasions. 11 Do you recall that conversation 12 with an investigator? 13 A. Yes. 14 MR. CONNELL: We'll have that 15 marked as the next exhibit. 16 - - - 17 (Whereupon, Exhibit Berks County-10 18 was marked for identification.) 19 - - - 20 BY MR. CONNELL: 21 Q. Going back to the beginning of it 22 it says, second time prearranged because he wanted 23 to do it again. What do you mean by prearranged? 24 A. That like we agreed to it, that it</p>

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1 was dinnertime and he said that he wanted to do it
 2 again. And we said that we could do it after
 3 dinner time. That was around 6:30, which is when
 4 we can go outside. So that we could go outside
 5 and then we could do it again in the bathroom
 6 where we had done it before.

7 Q. And that the bathroom is not
 8 outside; correct?

9 A. No, it's in the hallway that goes
 10 outside.

11 Q. So you passed that female bathroom
 12 when you're walking from the dining hall to the
 13 outside?

14 A. No. Do we have a map of it --

15 Q. Not readily available.

16 A. -- so I can show you?

17 Q. It's a good idea, though. I wish I
 18 did.

19 MS. YEH: We do have them.

20 MR. CONNELL: I know it's been
 21 produced, but I just don't know -- do
 22 you have it readily available?

23 MS. YEH: Yes. There's two because
 24 there's two floors.

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1 MR. CONNELL: Do you want to go off
 2 the record for a second?

3 - - -

4 (Whereupon, a discussion took place
 5 off the stenographic record.)

6 - - -

7 MR. CONNELL: Why don't we have
 8 that marked as Berks County-11.

9 - - -

10 (Whereupon, Exhibit Berks County-11
 11 was marked for identification.)

12 - - -

13 BY MR. CONNELL:

14 Q. E.D. [REDACTED], I'm going to hand you
 15 what's marked as Berks County-11.

16 On that document, can you identify
 17 the first-floor bathroom where it was that you and
 18 Mr. Sharkey engaged in sexual relations twice?

19 A. Here. (Witness indicating.)

20 Q. What I'm going to do is I'm going
 21 to hand you a highlighter. If you can highlight
 22 that area that you just pointed to?

23 A. (Witness complies.)

24 MS. YEH: For the record, it's also

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1 Number-292.

2 BY MR. CONNELL:

3 Q. Now, E.D. [REDACTED], you also before we
 4 got out the map, you also identified that it was
 5 nearby the exit to the building; yes?

6 A. Yes.

7 Q. And is that exit to the building
 8 also depicted on that map that you have in front
 9 of you?

10 A. Yes. It would be like around here.
 11 (Witness indicating.)

12 Q. Can you highlight that area as
 13 well, please?

14 A. (Witness complies.)

15 MS. YEH: For the record, she
 16 highlighted 291.

17 MR. CONNELL: And it's right below
 18 the word residential outdoor access.

19 BY MR. CONNELL:

20 Q. By the way, did you ever walk out
 21 those doors?

22 A. Yes.

23 Q. And you'll agree with me that you
 24 can walk out those doors without setting off any

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1 alarms or walking through any bars?

2 A. Yes.

3 Q. Thank you.

4 MR. CONNELL: Mark this as the next
 5 one, please.

6 - - -

7 (Whereupon, Exhibit Berks County-12
 8 was marked for identification.)

9 - - -

10 BY MR. CONNELL:

11 Q. E.D. [REDACTED], I'm going to hand you
 12 what we've marked as Berks County-12.

13 A. (Witness complies.)

14 Q. E.D. [REDACTED], do you remember seeing
 15 that document before today?

16 A. No.

17 Q. Is that your signature on the
 18 bottom of that -- strike that.

19 Is that your signature next to the
 20 X depicted on that page?

21 A. Yes.

22 Q. But you don't remember signing it?

23 A. No, I don't remember.

24 Q. Okay.

<p style="text-align: right;">Page 113</p> <p>1 MR. CONNELL: Mark this as the next 2 exhibit, please. 3 --- 4 (Whereupon, Exhibit Berks County-13 5 was marked for identification.) 6 --- 7 BY MR. CONNELL: 8 Q. E.D., I'm going to hand you 9 what's marked as Berks County-13. Can you take a 10 moment to look at that? 11 A. (Witness complies.) 12 Q. Have you ever seen that document 13 before? 14 A. Yes. 15 Q. And do you have any idea of what 16 that -- or strike that. 17 When did you see that document 18 before? 19 A. When I spoke to the investigators 20 to give them an idea of where my room was and 21 where was Patricia's room. 22 Q. Okay. And did you draw this for 23 the investigators? 24 A. Yes.</p>	<p style="text-align: right;">Page 115</p> <p>1 A. Yes. 2 Q. Do you know John Behm? 3 A. I don't know who that is. I don't 4 remember very well. 5 Q. Do you know Jamie Himmelberger? 6 A. Yes. 7 Q. Do you know Brittany Rothermill? 8 A. Yes. 9 Q. Do you know Erika Taylor? 10 A. Yes. 11 Q. Do you know Matthew Malinowski? 12 A. Yes. 13 Q. You have John Behm listed as a 14 defendant in this lawsuit. Do you know why? 15 A. Yes. 16 Q. Why is it, why is he listed if you 17 don't know who he is? 18 A. Well, he's one of the staff members 19 there. And I really I didn't know the name of all 20 of them. But if I knew the name of all of the 21 staff members there I would put them all as 22 defendants, but I don't know. 23 Q. You would put them all as 24 defendants because they're staff there?</p>
<p style="text-align: right;">Page 114</p> <p>1 Q. Okay. On that page there is a 2 block with an E on it. What does that depict? 3 A. For my name, E.D.. 4 Q. And does that depict where your 5 room was located? 6 A. Yes. 7 Q. And then there's another block on 8 that page with other letters in it. 9 Is that intended to identify where 10 Patricia's room was located? 11 A. Yes. 12 Q. You had previously mentioned that 13 you moved rooms at some point during your stay at 14 the Berks County Residential Center; correct? 15 A. Yes. 16 Q. Did your room move before or after 17 the first time you and Mr. Sharkey kissed? 18 A. My room was changed after. He 19 wasn't working there anymore. I mean, after the 20 people from the center knew what was happening. 21 Q. Okay. And what's depicted there in 22 Berks County-13, your diagram, is that the room 23 arrangement while your relationship with Mr. 24 Sharkey was ongoing?</p>	<p style="text-align: right;">Page 116</p> <p>1 A. Yes, because all of them saw what 2 was happening and they didn't do anything to 3 protect me. They only judged me and didn't do 4 anything to help me. 5 Q. Tell me everything you believe John 6 Behm saw. 7 A. I don't know of something specific, 8 but he had to see me with Dan sometimes like the 9 others did. 10 Q. Describe John Behm for me. 11 Describe what he looks like. 12 A. What he looks like? 13 Q. Yes. 14 A. He's tall, white. He has some 15 beard here. And that's all I can say. 16 (Witness indicating.) 17 Q. Glasses or no glasses? 18 A. Yes. 19 Q. That is, yes, glasses? 20 A. Yes. 21 Q. Color hair? 22 A. Black. 23 Q. Did you ever talk with John Behm? 24 A. Yes.</p>

1 Q. Did you ever talk with him about
2 your relationship with Mr. Sharkey?
3 A. No.
4 Q. What evidence do you have that John
5 Behm knew that you were having a relationship with
6 Mr. Sharkey?
7 A. No, I don't have any evidence, but
8 I can say that we were all in the same place and
9 that it would have been impossible for him not to
10 know what was happening.
11 Q. Now, you told me that you do know
12 Jamie Himmelberger; yes?
13 A. Jamie or Jimmy?
14 Q. Jamie Himmelberger.
15 A. Yes.
16 Q. Can you describe Ms. Himmelberger
17 for me?
18 A. Is it a woman?
19 Q. Yes.
20 A. She is thin. She's about my height
21 more or less. Her hair is coffee color. I don't
22 know what else to say.
23 Q. Glasses, no glasses?
24 A. No.

1 A. Yes.
2 Q. And you only concealed -- or strike
3 that.
4 You concealed certain behavior with
5 Mr. Sharkey by avoiding cameras; correct?
6 A. Yes.
7 Q. And when you went to those areas
8 you also knew that there was nobody else who could
9 see you; correct?
10 A. Yes.
11 Q. And you told investigators that you
12 actually used lookouts to watch out for anybody
13 else coming so when you and Sharkey were together
14 nobody would walk in on you; correct?
15 A. Yes.
16 Q. So it's the times where you were in
17 the common general area that you believe that
18 everybody else that worked there should have been
19 able to see you and Sharkey engaged in an
20 inappropriate relationship; is that your
21 testimony?
22 A. No.
23 Q. Okay. What is incorrect about that
24 statement?

1 Q. And is Ms. Himmelberger, did you
2 include her as a defendant in this lawsuit for the
3 same reasons that you said you would throw them
4 all in as defendants in the lawsuit or do you have
5 specific evidence of her knowledge of your
6 relationship with Mr. Sharkey?
7 A. Well, her because I think that she
8 was the one from the staff that did know what was
9 happening.
10 Q. Okay. What makes you think that
11 she knew what was happening?
12 A. Because they had the same work
13 schedule, they were evenings, they worked
14 together. So there were times when she could have
15 seen us.
16 Q. Are there any times where you know
17 she saw you and Mr. Sharkey engaged in any sexual
18 relations, hugging or kissing?
19 A. No, but I saw her that she saw us,
20 no. But they could see us when we were together
21 in any area.
22 Q. So if you and Mr. Sharkey are
23 walking down the hallway other people could see
24 you; yes?

1 A. Or can you repeat the question?
2 MR. CONNELL: Please.
3 - - -
4 (Whereupon, a pertinent portion of
5 the record was read back by the court
6 reporter.)
7 - - -
8 THE WITNESS: Yes, because, like I
9 said before, he was always with me, he
10 was always next to me. Whenever I was
11 eating in the dining room he would sit
12 with me in the same table and no one
13 else did that. If I was outside he
14 would sit outside with me, or in the
15 living room I was watching TV he would
16 sit right next to me.
17 BY MR. CONNELL:
18 Q. So tell me the times where Jamie
19 Himmelberger saw you sitting eating with Mr.
20 Sharkey beside you, the times Jamie Himmelberger
21 saw you outside with Mr. Sharkey.
22 A. I can't say how many times that
23 happened because that was a daily thing. So it
24 happened a lot.

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1 Q. Can you say any time that Jamie
 2 Himmelberger specifically saw you doing anything
 3 at all with Mr. Sharkey; sitting with him, talking
 4 with him, eating with him, dancing with him or
 5 making love to him, was there any time that you
 6 could say Jamie Himmelberger saw you?

7 A. She saw me in the dining room with
 8 him, in the living room with him. She also saw me
 9 with going to the laundry room with him and being
 10 outside with him.

11 Q. Okay. I'm going to ask you about
 12 each one of those.

13 THE INTERPRETER: I'm sorry?

14 BY MR. CONNELL:

15 Q. I'm going to ask you about each one
 16 of those.

17 A. Okay.

18 Q. When Ms. Himmelberger saw you going
 19 to the dining room with Mr. Sharkey, what was
 20 inappropriate going on that Ms. Himmelberger
 21 should have known that you and he were having an
 22 inappropriate relationship?

23 A. The fact that he was always with
 24 me, and in the food, that he would bring something

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1 So what did Ms. Himmelberger see in
 2 the laundry room that should tell us that you and
 3 Mr. Sharkey were having an inappropriate
 4 relationship?

5 A. Well, like I said, they always saw
 6 us together. And in the living room there would
 7 always be two, Dan and Jamie. And if I said that
 8 I was going to the laundry room, if Dan said he
 9 would accompany me, she could see that he went
 10 into the laundry room and he shouldn't have. And
 11 she never said anything that it was wrong for us
 12 to spend so much time close to each other.

13 Q. Did you ever see Jamie Himmelberger
 14 see you go in the laundry room with Dan Sharkey?

15 A. Well, like I said, if they were
 16 both in the same place it would have been
 17 impossible for her not to see me and him going in
 18 after me.

19 Q. Is that the best answer you're
 20 going to be able to give no matter how many times
 21 I ask the question? Did you ever see her watch
 22 you and Dan Sharkey go into the laundry room; yes
 23 or no?

24 A. Yes. But I can't really tell you

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1 different for me with him to eat.

2 Q. Tell me what inappropriate thing
 3 you were doing in the dining room that should have
 4 caused Ms. Himmelberger to determine that you and
 5 Mr. Sharkey were having an inappropriate
 6 relationship.

7 A. That we were closer than we should
 8 have been as the staff member and other prisoners
 9 would have been.

10 Q. By the way, did you wear a jump
 11 suit or orange jump suit or anything with stripes
 12 while you were there?

13 A. No.

14 Q. When -- so you state that Jamie
 15 Himmelberger should have identified that you and
 16 Mr. Sharkey were closer than any other residents
 17 and staff, that's the basis of you including her
 18 as a defendant in this case related to
 19 inappropriate behavior in the living room; is that
 20 your testimony?

21 A. Yes.

22 Q. You also said that Ms. Himmelberger
 23 is a defendant in this case because of your
 24 interactions with Mr. Sharkey in the laundry room.

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1 that she saw -- that I saw her watching me going
 2 into the laundry room with him, because I'm not
 3 looking around to see who sees me going in. What
 4 I can say is that they were in the same place and
 5 for obvious reasons she should have seen it.
 6 There's no way she did not see it.

7 Q. Did Jamie Himmelberger and you ever
 8 have -- did she ever write you up for anything?

9 A. No, I don't recall.

10 Q. Did you have any disagreements with
 11 her?

12 A. Like with the others?

13 Q. Did you have disagreements with
 14 others?

15 A. Yes.

16 Q. Which of the named defendants did
 17 you have disagreements with?

18 A. Like with all of the others that
 19 are named there and others that are not named
 20 there. Well, this happened after Dan because they
 21 had a bad attitude towards me.

22 Q. Did Jamie Himmelberger have a bad
 23 attitude towards you?

24 A. Yes.

<p style="text-align: right;">Page 125</p> <p>1 Q. Describe what you mean by bad 2 attitude. 3 A. Like they would set me aside, I 4 guess you could say. They would put me aside on 5 the different activities in the center. Or how 6 they talked to me, they didn't talk to me the same 7 way that they talked to the other residents. 8 Q. Anything else? 9 A. No. 10 Q. And is that the same with each of 11 these individual defendants or is that just Ms. 12 Himmelberger? 13 A. With all of them. 14 Q. Why do you believe Brittany 15 Rothermill was aware that you and Dan Sharkey were 16 engaged in an inappropriate sexual relationship? 17 A. Well, because she saw us together a 18 lot. And besides Brittany spoke a lot of Spanish 19 and she understood a lot. So the women in the 20 center would go to her either with a complaint. 21 And if they went to her they might have gone to 22 her to tell her what was happening and she didn't 23 do anything. 24 Q. Other than that, is there anything</p>	<p style="text-align: right;">Page 127</p> <p>1 Q. Can you describe all of the reasons 2 why you named -- strike that -- why you believe 3 Erika Taylor was aware of your inappropriate 4 relationship with Mr. Sharkey? 5 A. It's the same like the other ones, 6 we were always in the same places. 7 Q. Did you ever talk to Erika Taylor, 8 speak with her? 9 A. Yes. 10 Q. And how often would you speak with 11 Erika Taylor during the course of a week during 12 your stay at the Berks County Residential Center? 13 A. Well, I spoke to her as needed. As 14 another member of the staff she was there and if I 15 needed anything I would have to talk to her and 16 she would talk to me. If she needed to tell me 17 something we would communicate that way. 18 Q. So can you give me any specific 19 evidence or reasons why you believe Ms. Taylor had 20 knowledge that you had an inappropriate 21 relationship with Mr. Sharkey? 22 A. It's like the other ones, they were 23 always in the same place and they must have seen 24 what was happening, they must have seen us, and</p>
<p style="text-align: right;">Page 126</p> <p>1 else why you named Ms. Rothman as a defendant in 2 this case? 3 A. Because and also because they 4 always had a bad attitude towards me. She was the 5 one that would go into my room to check my room, 6 to check my clothing to see if I could wear 7 something or not. 8 Q. Any other reasons why Brittany 9 Rothermill was named as a defendant other than 10 what you said? 11 A. No. Those are the reasons. 12 Q. Can you describe Brittany 13 Rothermill? 14 A. She is white. Her hair is long, 15 it's blonde or -- and I think she has colored 16 eyes. I don't remember if she had different color 17 eyes or not. I don't remember. 18 Q. Different colored eyes? 19 A. No, I don't remember. 20 Q. Taller or shorter than you? 21 A. It's about the same. 22 Q. Glasses or no glasses? 23 A. Sometimes she did use them and 24 sometimes not, like that.</p>	<p style="text-align: right;">Page 128</p> <p>1 she never said anything. 2 Q. Matthew Malinowski, do you know 3 Matthew Malinowski? I'm sorry, you already said 4 yes to that question I'll strike that. 5 What evidence do you have that 6 Matthew Malinowski was aware that you were having 7 an inappropriate relationship with Daniel Sharkey? 8 A. He was always there in the same 9 place, too. He had the same schedule as Dan. He 10 had to see me and him doing something. 11 Q. And Mr. Malinowski, did you ever 12 speak with Mr. Malinowski during your time there? 13 A. Yes. 14 Q. Similar to your conversations with 15 Ms. Taylor asking her when you needed things or 16 you needed direction on items you would talk to 17 Mr. Malinowski? 18 A. Yes. 19 Q. Any other conversations that you 20 had with Mr. Malinowski other than that type of 21 conversation? 22 A. I'm sorry, could you repeat the 23 last part? 24 - - -</p>

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1 (Whereupon, a pertinent portion of
 2 the record was read back by the court
 3 reporter.)

5 THE WITNESS: No.

6 BY MR. CONNELL:

7 Q. Can you describe Mr. Malinowski
 8 physically?

9 A. He is white, tall. I don't know
 10 what else to say.

11 Q. Glasses? No glasses? Facial hair?
 12 Hand hair? Head hair? Any kind of hair?

13 A. No facial hair. He doesn't use
 14 glasses. And he has short hair.

15 Q. What color of the hair?

16 A. I think it's similar to his, I'm
 17 sorry, the color. (Witness indicating.)

18 MR. CONNELL: Him being who is she
 19 referring to, Mr. Jones?

20 THE WITNESS: Yes.

21 BY MR. CONNELL:

22 Q. Other than what you described here
 23 in answering to my questions, is there anything
 24 else you have to believe as to why Mr. Malinowski

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2 MR. CONNELL: Back on the record.

3 BY MR. CONNELL:

4 Q. [REDACTED], just a quick question
 5 about Patricia who we identified early on. Off
 6 the record you just gave me the phone number.

7 Do you understand if Patricia is
 8 currently in the United States or if she's back in
 9 her home country?

10 A. No, she's here, too, in the United
 11 States.

12 Q. Do you know what state she's in?

13 A. North Carolina, something like
 14 that.

15 Q. Thank you very much. [REDACTED],
 16 I'm going to hand you a document we've just had
 17 marked as Berks County-14. And I'll represent to
 18 you that this is the Berks County, another version
 19 other than Berks County-1, of the resident
 20 handbook at the Berks County Residential Center.
 21 It is our understanding that this is the version
 22 that was in place in May of 2014. So and this was
 23 the subject of the conversation earlier today with
 24 your attorneys that we had. But what I would ask

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1 is a defendant in this case?

2 A. No. I already explained the
 3 reasons of why I believe that he should be in
 4 there.

5 MR. CONNELL: We'll have this one
 6 marked as Berks County-14.

8 (Whereupon, Exhibit Berks County-14
 9 was marked for identification.)

11 MR. CONNELL: We might as well mark
 12 this, too, Doug.

14 (Whereupon, Exhibit Berks County-15
 15 was marked for identification.)

17 MR. CONNELL: Can we go off the
 18 record for a second.

19 MS. YEH: Is it okay if we take
 20 just a five-minute break?

21 MR. CONNELL: Absolutely.

23 (Whereupon, a discussion took place
 24 off the stenographic record.)

1 you to do is turn to Page 13.

2 A. (Witness complies.)

3 Q. Similar to Berks County-1 in the
 4 margin on the right-hand side I drew parallel
 5 lines of the sections that your attorney
 6 represented to me earlier might have been
 7 different than what you had.

8 My question for you is at the time
 9 you entered the facility, is the document that's
 10 in front of you right now the same as what you
 11 received upon entering the facility in May of 2013
 12 -- I'm sorry -- May of 2014?

13 A. Yes. What happens is that this
 14 one, this is the one that they gave me; right?

15 MR. CONNELL: And she's referring
 16 to Berks County-1.

17 THE WITNESS: And one day at the
 18 facility they asked us for this booklet,
 19 booklet you call it that they gave us.
 20 And then they changed this page and the
 21 other page that's marked and gave us
 22 this. (Witness indicating.)

23 BY MR. CONNELL:

24 Q. And when you say gave us this

<p style="text-align: right;">Page 133</p> <p>1 you're referring to this one here that we've 2 marked as Berks County-14?</p> <p>3 A. That they gave us when? 4 Q. After you were already at the 5 facility.</p> <p>6 A. Well, they're almost similar, 7 right, but this one has more rules than the other 8 one. And that's what they did, they changed it 9 and they added more rules and gave us this one 10 about the clothing and sexual abuse and things.</p> <p>11 MR. CONNELL: What I would ask is 12 because it's going to take a magician to 13 figure out this testimony, but I think 14 we're right there, with the one that 15 they changed and added rules, can you 16 ask her to point to that one?</p> <p>17 THE WITNESS: (Witness complies.)</p> <p>18 BY MR. CONNELL:</p> <p>19 Q. Just the document, not the page. 20 A. This one. (Witness indicating.)</p> <p>21 MR. CONNELL: Was that a fair 22 question, Su Ming? If you think you can 23 do better --</p> <p>24 THE INTERPRETER: What was the</p>	<p style="text-align: right;">Page 135</p> <p>1 THE WITNESS: (Witness complies.) 2 MS. YEH: Just to confirm, this is 3 Number-1. Did you receive this one 4 first or --</p> <p>5 MS. ROMERO: Just ask her to 6 identify it by number. Did you receive 7 Berks County-1 first or Berks County-14 8 first?</p> <p>9 MS. YEH: Did you get Berks 10 County-1 first or Berks County-14 first?</p> <p>11 THE WITNESS: Well, I don't know. 12 They don't understand me. But it was 13 this one with this information here. 14 And then when they asked for it back and 15 changed it they gave us this one with 16 this information. Because, for example, 17 the one that we could say was given out 18 first, this one talks about residents 19 starting at age 12. And in this other 20 one it talks about residents starting at 21 age five. And you can see that there 22 are less rules here and there are more 23 in the one. (Witness indicating.)</p> <p>24 BY MR. CONNELL:</p>
<p style="text-align: right;">Page 134</p> <p>1 first one?</p> <p>2 MR. CONNELL: Off the record.</p> <p>3 - - -</p> <p>4 (Whereupon, a discussion took place 5 off the stenographic record.)</p> <p>6 - - -</p> <p>7 MS. YEH: So, [REDACTED] E.D., which 8 handbook came first?</p> <p>9 THE WITNESS: Okay. It was this 10 one. (Witness indicating.)</p> <p>11 MR. CONNELL: Referring to Berks 12 County-1. I'm sorry, I had to say 13 referring to Berks County-1 when you 14 pointed your hand on it as she did.</p> <p>15 THE WITNESS: It was this one with 16 this information. (Witness indicating.)</p> <p>17 BY MR. CONNELL:</p> <p>18 Q. So you're referring to Berks 19 County-1, and it was that one with the information 20 contained in Berks County-14?</p> <p>21 A. Yes.</p> <p>22 MS. YEH: So regarding -- can we 23 just turn to the page regarding the 24 clothing policy?</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. So the one that you just referred 2 to as having less rules is Berks County-14 and the 3 one indicating more rules is Berks County-1?</p> <p>4 A. Yes.</p> <p>5 Q. I'm going to take them back before 6 we have to ask any more questions.</p> <p>7 A. (Witness complies.)</p> <p>8 Q. Thank you. And then I'm just going 9 to mark, and I know she's not going to be able to 10 identify it, but I think it's important to be made 11 part of the record at this moment, and that is the 12 English version of Berks County-14, and this is 13 Berks County-15. I'm going to mark it at this 14 deposition just so that I show it to you.</p> <p>15 [REDACTED] E.D., this is the English 16 version of what we just showed you as being Berks 17 County-14.</p> <p>18 A. Okay.</p> <p>19 Q. Have you ever seen the English 20 version before?</p> <p>21 A. No.</p> <p>22 Q. Other than the typewritten language 23 being English as opposed to typewritten language 24 being Spanish, have you ever heard anybody</p>

1 complain that this English version was different
2 than the Spanish version?

3 A. No.

4 Q. I'm going to refer you back to the
5 Third Amended Complaint. It's a document I showed
6 you early on in the deposition.

7 A. (Witness complies.)

8 MS. YEH: Counsel, do you happen to
9 have copies of that?

10 MR. CONNELL: Of the English
11 version?

12 MS. YEH: Yes.

13 MR. CONNELL: Yes, I do actually.

14 MS. YEH: The complaint.

15 MR. ARCHAMBEAULT: We have that.

16 MS. YEH: We do have it.

17 BY MR. CONNELL:

18 Q. I'm going to refer to Paragraph 58
19 of the Third Amended Complaint on Page 7 of 14.

20 A. (Witness complies.)

21 Q. [REDACTED] E.D., I'm going to read
22 Paragraph 58 so that the interpreter can identify
23 it for you and then I'll ask a question. In
24 Paragraph 58 you allege that several residents who

1 Q. It's your understanding that he was
2 suspended and then fired, that's what you're
3 referring to?

4 A. Yes.

5 Q. Okay. Now, you also assert that
6 policies were changed as a result of this
7 relationship; is that right, dress code policies?

8 A. Yes.

9 Q. Okay. And you allege in your
10 complaint that privileges were denied because of
11 this relationship?

12 A. Yes.

13 Q. Which policies do you believe
14 changed as a result of this relationship?

15 A. For example, in the rooms they said
16 that you couldn't have anyone that was not in that
17 room. For example, I could be in Patricia's room
18 or Patricia could be in my room. But after that
19 they said that no one that wasn't in that room
20 could be there. They forbid anyone else on going
21 into another room. Or with the clothing they got
22 to be more strict. If you had something that was
23 a little too tight then they would make you
24 change. And they went to my room, Brittany and

1 witnessed their intimacy complained to the staff
2 about the relationship.

3 My question is when -- strike that.

4 Is it your understanding that they
5 complained to the staff about the relationship
6 right before Sharkey's employment stopped? That
7 was a terrible question.

8 A. No.

9 Q. Okay. Earlier you had said that
10 you learned that other residents complained to
11 staff and that shortly after that Sharkey's
12 employment was ended and you never saw him again.

13 Do you recall that testimony?

14 A. Yes.

15 Q. Okay. Is that what you're
16 referring to in this particular paragraph of the
17 complaint?

18 A. Well, like I said before, I think
19 that Brittany, Brittany, she was the one that
20 spoke mostly with the residents. And I think that
21 someone mentioned it to her, but she didn't do
22 anything. And when they did this was during the
23 days that Dan had the days off, so that when he
24 was supposed to come back he didn't.

1 other staff, went to my room and took everything
2 that they thought I couldn't use.

3 Q. All right. Who told you that the
4 more strict clothing rule was as a result of your
5 relationship with Sharkey?

6 A. Well, they didn't tell me, but it
7 was right after this happened that things happened
8 in the center. And that was the reason. There
9 wasn't any other reason. But because there were a
10 lot of women in that center they perhaps didn't
11 want woman's body to show through -- that you
12 could see the silhouette of the woman's body
13 through clothing. Because they had men working
14 there perhaps they didn't want something else to
15 happen.

16 Q. When you said that Brittany and
17 others went to your room to remove things,
18 describe when that happened, who was there and
19 what she removed.

20 A. I don't know when it happened, but
21 it was after I spoke to the attorney and others,
22 and I think they went into my room and they
23 started taking out the clothing and seeing which
24 clothes I could use and which I shouldn't use.

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1 Q. Do you have an understanding that
 2 during the criminal investigation they were
 3 searching for evidence of Sharkey's crime; do you
 4 have that understanding?

5 A. Yes.

6 Q. And, in fact, they found the ring
 7 on you, yes, Brittany Rothermill found a ring on
 8 you?

9 A. Yes.

10 Q. And you were trying to conceal that
 11 ring and not have it be found; correct?

12 A. Yes.

13 Q. And that was a ring that Mr.
 14 Sharkey gave you; correct?

15 A. Yes.

16 Q. And you didn't want to give it
 17 away; correct?

18 A. By then I had not spoken to anyone
 19 yet and I denied everything. And that was a
 20 reason that I didn't want anyone to know. And I
 21 didn't want them to find the ring for them to know
 22 what happened.

23 Q. And Ms. Rothermill is the one who
 24 found the ring on you; right?

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1 haircut or out on trips. Brittany told me that I
 2 had a restriction order and that's why I couldn't
 3 leave the place.

4 Q. Okay.

5 A. Or with the clothing they were less
 6 -- they were more concerned with me. They always
 7 saw me what I was wearing and tell me if I
 8 shouldn't wear something, I think more to me than
 9 with other women.

10 Q. Okay. Brittany told you there was
 11 a restriction order. Did she give you any further
 12 description as to what that meant?

13 A. No. She just told me that.

14 Q. Did you ask what the restriction
 15 order meant?

16 A. That I couldn't leave the center.

17 Q. Did you ask her why?

18 A. They had that whole attitude after
 19 all this happened. There was no reason for me to
 20 ask. They allowed all of the other women to
 21 leave, but they didn't allow me to leave because
 22 of it.

23 Q. What do you mean by leave the
 24 center?

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1 A. Yes.

2 Q. She also found a note in your
 3 belongings whereby you kept Sharkey's cellphone
 4 pass code; correct?

5 A. Yes.

6 Q. And she removed those two items
 7 from you and from your possession; correct?

8 A. Yes.

9 Q. And that was after Sharkey's
 10 employment already ended -- or strike that.

11 That was after you last saw Mr.
 12 Sharkey at the Berks County Residential Center?

13 A. Yes.

14 Q. What privileges do you believe --
 15 strike that.

16 Do you believe that it was just
 17 privileges that you and your son were being denied
 18 privileges or all residents were being denied
 19 privileges after the relationship you had with
 20 Sharkey came to light?

21 A. They said that the rules applied to
 22 everyone, but they were more strict with me. They
 23 told me that I had a restriction order. For
 24 example, they wouldn't take my son to get a

1 A. There were like programs, programs
 2 for kids where they could be taken to get a
 3 haircut or go outside, go on a trip or to the
 4 park. And but me and my son, we weren't allowed
 5 to go while other kids and their mothers would go.

6 Q. And who told you that it was
 7 because of your relationship with Sharkey?

8 A. Because since the time that I
 9 started -- well, when they knew about my
 10 relationship everything changed, their attitudes
 11 towards me changed. And that's why I say that
 12 there's no other reason of why they behaved like
 13 that because it all happened afterwards.

14 Q. Do you have anything more to add as
 15 to why these individually named defendants -- why
 16 you believe they retaliated against you or denied
 17 you privileges other than what you've just
 18 testified about?

19 A. No.

20 MR. CONNELL: I'm prepared to turn
 21 things over to Landon.

22 Trisha, do you mind stepping out to
 23 take a break? But you guys keep going.

24 - - -

EXAMINATION

BY MR. JONES:

Q. Good afternoon, [REDACTED] E.D. My name is Landon Jones. I'm an Assistant United States Attorney. I work for the United States Department of Justice, but I'm here today as a lawyer for Josh Petrey. Do you understand?

A. Yes.

Q. I want to say a few things now that are less directed to you and more towards the lawyers and the transcript. So I apologize in advance, but I want to put these things on the record.

MR. JONES: The first is that I'm here today on behalf of Mr. Petrey, that waiver of his qualified immunity defense, which we intend to continue to press.

The second is by appearing today I'm not consenting to Discovery being taken of Mr. Petrey as is his right to resist such Discovery under the Qualified Immunity Doctrine.

A. Yes, yes.

Q. And did you understand that the staff we've been talking about today for the most part, Mr. Sharkey and the various defendants represented by Mr. Connell, worked for Berks County?

A. Yes.

Q. Could you describe the nature of your interactions with Mr. Petrey while you were at the Berks County facility?

A. Few.

Q. And actually let me back up one moment. Did you have any understanding that Mr. Petrey was a supervisor for the staff at the Berks County facility such as Mr. Sharkey?

A. Well, I understood that he was an ICE officer and that is different from a supervisor. For example, if it was about your immigration case he would be the one that could help us the most that had to do with immigration. And that the staff from the County were different.

Q. Okay. And you mentioned that your interactions with Mr. Petrey were few; is that right?

The third is I'm aware that [REDACTED] E.D.

[REDACTED] E.D. is in the process of filing a complaint against the United States. In my other hat I do represent the United States. And I'm not waiving any rights the United States may have to pursue further Discovery with respect to [REDACTED] E.D. or any other witness or any other means of Discovery in this case. And we can specifically discuss this, but we don't disagree on the parameters of my appearance here today; do we.

MS. YEH: There's no disagreement.

MR. JONES: Okay. Thank you.

BY MR. JONES:

Q. [REDACTED] E.D., do you remember Josh Petrey from your time at the Berks County Center?

A. Yes.

Q. Do you have an understanding of what his role was there?

A. Yes. He was like the immigration officer that was there at the Detention Center.

Q. Did you understand that he worked for ICE at the time?

A. Yes.

Q. Do you remember how many times you met with Mr. Petrey?

A. Well, when I first arrived he kind of calls everyone to give you the papers to sign and asks what our process we're doing or if we want to apply for asylum, that was one. And then if you want an interview, that's another. And then another for the answer if you get an interview or not. Then if your case is approved he just kind of gives you the information. I think the only times we spoke was about immigration -- were about immigration.

Q. So the only times you spoke with Mr. Petrey were about your immigration proceedings; is that correct?

A. Yes.

Q. Okay. Did you ever discuss with Mr. Petrey your relationship with Mr. Sharkey?

A. No.

Q. Did you ever discuss Mr. Sharkey in any respect with Mr. Petrey?

A. No.

Q. Did Mr. Petrey ever say anything to

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1 you about Mr. Sharkey?

2 A. No.

3 Q. Did you ever see Mr. Petrey and Mr.
4 Sharkey together?

5 A. Well, Dan always said that he was
6 friends with him, with Josh. And Josh, you could
7 see him mostly in the mornings. And, yes, I saw
8 them that they greeted each other, but that was
9 it.

10 Q. So just to get back specifically to
11 my question, I asked you if you had seen Mr.
12 Petrey and Mr. Sharkey together, and I think your
13 answer is you would see them greet each other in
14 the morning; is that correct?

15 A. Well, no. Yes, I saw them greet
16 each other a few times. But Josh would initially
17 be there in the morning, sometimes in the evening,
18 but that was it. He didn't have a fixed schedule.

19 Q. Okay. Aside from the times when
20 you viewed Mr. Petrey and Mr. Sharkey greeting
21 each other in the morning, did you ever see the
22 two of them together?

23 A. No, it wasn't during the morning
24 time. It was in the afternoon because Dan works

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1 about other things that were not about
2 immigration. So he never said anything like that
3 to me.

4 Q. Okay. So it's correct that Mr.
5 Sharkey -- excuse me. Strike that.

6 It's correct that Mr. Petrey never
7 said that he was friends with Mr. Sharkey; true?

8 A. Correct.

9 Q. Do you know at what point in your
10 relationship Mr. Sharkey told you that he was a
11 friend of Mr. Petrey's?

12 A. No. He just made the comments to
13 me, that's it.

14 Q. How many times did he make the
15 comment to you?

16 A. Many times. He said Josh is my
17 friend and Josh is my friend. I mean, he always
18 said kind of like nothing would happen to him
19 because Josh was his friend, or he would always
20 say that he had contact with the cameras so that
21 nothing would happen to him.

22 Q. So Mr. Sharkey told you that
23 nothing would happen to him because he was friends
24 with Mr. Petrey; is that right?

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1 in the afternoon and Josh comes in in the morning.
2 So they would greet in the afternoon, morning and
3 afternoon.

4 Q. I'm sorry, I misunderstood you.

5 Aside from the times when you
6 observed Mr. Petrey and Mr. Sharkey greeting each
7 other, did you ever see them talking with each
8 other?

9 A. No.

10 Q. And when they were greeting each
11 other, was that a very brief exchange of hellos or
12 good afternoons?

13 A. Yes.

14 Q. You mentioned that Mr. Sharkey said
15 that he was friends with Mr. Petrey; is that
16 right?

17 A. Yes.

18 Q. What exactly did he tell you about
19 his friendship with Mr. Petrey?

20 A. He always said that he was very
21 good friends with Josh.

22 Q. Okay. Did Mr. Petrey ever say that
23 he was friends Mr. Sharkey?

24 A. No, because I never spoke with him

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1 A. Yes.

2 Q. When you say nothing would happen
3 to him, nothing would happen to him as a result of
4 your relationship?

5 A. Yes.

6 Q. Okay. You also said that Mr.
7 Sharkey told you that he had contact with the
8 cameras; is that right?

9 A. Yes. He was kind of like he could
10 see the videos and that he could supervise the
11 cameras, something like that.

12 Q. Okay. So Mr. Sharkey was telling
13 you that Mr. Petrey could supervise the cameras
14 inside the Berks County Center; is that right?

15 A. No. Could you explain your
16 question?

17 Q. Okay. I'm trying to understand
18 what Mr. Sharkey told you about the cameras.

19 A. He tried to imply that he could see
20 me through the cameras, what I was doing, Sharkey.
21 If there was a camera in the hallway near the
22 laundry room he would say that, don't worry about
23 it, I have access to the cameras.

24 Q. And when Mr. Sharkey told you that

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1 he had access to the cameras, are you saying that
 2 Mr. Sharkey was suggesting to you that he had
 3 access to the cameras through Mr. Petrey somehow?

4 A. No, I don't know. I wouldn't say
 5 it that way, no.

6 Q. Does Mr. Petrey have anything to do
 7 with what Mr. Sharkey was telling you about the
 8 cameras?

9 A. No.

10 Q. Okay. Did there come a time when
 11 you believed that Mr. Petrey was aware of your
 12 relationship with Mr. Sharkey?

13 A. Yes.

14 Q. When was that?

15 A. Well, I believe so because he was
 16 always in the center, he was always talking to the
 17 other staff. And if he was the ICE representative
 18 there, then it would have been impossible for him
 19 not to know what was happening.

20 Q. During your relationship with Mr.
 21 Sharkey, did you believe that Mr. Petrey was aware
 22 of your relationship with Mr. Sharkey?

23 A. No. I wouldn't know what to say.

24 Q. Well, did you -- I don't know how

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1 have a fixed schedule, set schedule.

2 Q. Okay. Let me -- I think I have may
 3 have misspoken earlier.

4 MR. ARCHAMBEAULT: I think you may
 5 have transposed the times.

6 MS. ROMERO: She translated it
 7 wrong.

8 BY MR. JONES:

9 Q. What time of day do you recall Mr.
 10 Sharkey working?

11 A. Like from 2:00 in the afternoon
 12 until 9:00 or 10:00 at night.

13 Q. Okay. And what time of day do you
 14 recall Mr. Petrey working?

15 A. For him I can't say one schedule.
 16 He would come in in the morning or in the
 17 afternoon.

18 Q. Do you know where Mr. Petrey worked
 19 for the bulk of his day?

20 A. Well, I do know where his office
 21 was or the office where he could meet with us.
 22 But sometimes I would see him coming out of other
 23 doors or places that we didn't know.

24 MR. JONES: Can you pull out

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1 to ask it any differently. But during the course
 2 of your relationship with Mr. Sharkey, did you
 3 believe that Mr. Petrey was aware of that
 4 relationship while it was happening?

5 A. I don't know. I don't know. But
 6 he was always in the center. He was always
 7 walking the hallways. I don't know if he saw us
 8 and didn't do anything. I don't know. But I
 9 don't know if he found out afterwards or before.

10 Q. Okay. But you believe -- all
 11 right. Do you recall any times when Mr. Petrey
 12 saw you with Mr. Sharkey?

13 A. No. No, I don't recall.

14 Q. And was it your testimony that you
 15 recall Mr. Petrey and Mr. Sharkey working
 16 different shifts during the day?

17 A. Yes.

18 Q. You recall Mr. Sharkey working in
 19 the morning and Mr. Petrey working in the later
 20 hours?

21 A. Well, but like I said before, Josh
 22 didn't have a set schedule whereas Dan always
 23 worked in the afternoon. Josh could be there in
 24 the morning or the afternoon. He really didn't

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1 Exhibit-11, please, just a map?

2 MS. YEH: Can we use the one that's
 3 part of the record?

4 THE WITNESS: I'm sorry, I have to
 5 take this call.

6 - - -
 7 (Whereupon, a discussion took place
 8 off the stenographic record.)

9 - - -

10 BY MR. JONES:

11 Q. E.D., you have before you
 12 Berks Exhibit-11, which is the map of the
 13 facility. And do you see on there the room where
 14 you would meet --

15 MR. JONES: Off the record.

16 - - -
 17 (Whereupon, a discussion took place
 18 off the stenographic record.)

19 - - -

20 MR. JONES: Back on the record.

21 BY MR. JONES:

22 Q. E.D., you have Exhibit
 23 Berks-11 in front of you, I think under your
 24 yellow piece of paper?

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1 A. Yes.
 2 Q. Do you see on here the room where
 3 you would sometimes meet with Mr. Petrey?
 4 A. Yes.
 5 Q. And can you identify it by room
 6 number?
 7 A. This one, 222.
 8 (Witness indicating.)
 9 Q. And you don't know where Mr. Petrey
 10 spent his time when he wasn't meeting with
 11 residents in that room; do you?
 12 A. No.
 13 Q. And I want to just circle back to
 14 something you said earlier and make sure I
 15 understand your testimony.
 16 You said before that at the time of
 17 your relationship with Mr. Sharkey you did not
 18 know whether or not Mr. Petrey was aware of the
 19 relationship; is that correct?
 20 A. Yes.
 21 Q. Do you now believe that Mr. Petrey
 22 was aware of your relationship with Mr. Sharkey
 23 during your relationship or not?
 24 A. No, I don't know.

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1 Q. How did you do that?
 2 A. The staff had different clothing in
 3 comparison to Josh who was the immigration
 4 officer.
 5 Q. And what kind of clothing did Mr.
 6 Petrey wear?
 7 A. He always had like a khaki or
 8 coffee colored pants and a black shirt.
 9 Q. Was it a uniform?
 10 A. It wasn't. Well, maybe it was his
 11 uniform, but it was not a uniform or he dressed
 12 like that. But the staff dressed a different way.
 13 So there was a way to differentiate them.
 14 Q. Okay. It looked like regular
 15 clothes; correct?
 16 A. Yes, something like that, something
 17 like that.
 18 Q. Okay. Were there any other
 19 immigration officers that you had interactions
 20 with at your time at Berks County aside from the
 21 investigators at the end?
 22 A. There were a few times that there
 23 was another officer there, but you would see him
 24 just very few times. I don't even know his name.

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1 Q. Okay.
 2 A. But what I do think is that because
 3 he was the immigration officer I don't know if he
 4 saw us or not, but anyone could have told him
 5 about what was happening.
 6 MR. JONES: Can I take just a
 7 couple of minutes off the record? I
 8 just want to page through the complaint
 9 and see if there's anything that I want
 10 to follow up on.
 11 MS. YEH: Sure.
 12 MR. JONES: Thank you.
 13 - - -
 14 (Whereupon, a discussion took place
 15 off the stenographic record.)
 16 - - -
 17 MR. JONES: Just a couple of more
 18 questions.
 19 BY MR. JONES:
 20 Q. Did you have a way to distinguish
 21 between the people who were working at the
 22 facility as counselors, as Berks County employees,
 23 from the ICE employees who were there?
 24 A. Yes.

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1 But he would also dress like Josh. I never spoke
 2 with him.
 3 Q. This other immigration officer, you
 4 don't have any reason to believe that he was aware
 5 of your relationship with Mr. Sharkey during that
 6 relationship; do you?
 7 A. No, because he was never there.
 8 Maybe during that whole time that I was there I
 9 saw him maybe two times. And he would only go
 10 when he was -- maybe when someone was allowed to
 11 be released and he would go there.
 12 Q. You never had any interactions with
 13 Mr. Decker, the field office director for the
 14 region for ICE; did you?
 15 A. I don't know. I don't recognize
 16 that name.
 17 MR. JONES: Okay. I don't think I
 18 have any further questions at this time.
 19 MS. YEH: I just have a few
 20 follow-up questions.
 21 - - -
 22 EXAMINATION
 23 - - -
 24 BY MS. YEH:

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1 Q. E.D., you were previously
 2 shown Berks County Exhibit-11. That's the map in
 3 front of you. I'm just going to ask you to
 4 identify a few other locations. Earlier you had
 5 testified that sometimes you and Daniel Sharkey
 6 were on the computer in the library.

7 Can you show where that location
 8 is?

9 A. Here in 202. (Witness indicating.)

10 Q. Where were other -- you had also
 11 noted that you and Daniel Sharkey often were in
 12 the living area. Is that area on this map?

13 A. Here. (Witness indicating.)

14 MS. YEH: She's pointing to, for
 15 the record, where it says dayroom and TV
 16 room.

17 BY MS. YEH:

18 Q. Well, actually maybe you can circle
 19 that and this copy will be kept with the
 20 transcript.

21 A. (Witness complies.)

22 Q. And did the two of you spend a lot
 23 of time there?

24 A. Yes.

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1 Q. Was there anywhere else on this map
 2 that the two of you spent time?

3 A. Yes.

4 Q. Can you describe what those
 5 locations or points -- excuse me.

6 Can you point to those locations on
 7 the map?

8 A. Like at the chapel?

9 Q. And that's marked 207?

10 A. Yes. And in this room, 209. And
 11 here, this is a laundry that was downstairs, 225.
 12 Or in the room where they were -- the exercise
 13 room, 201. Well, and the library, right, I said
 14 that. And here, I don't know, maybe in the room
 15 for adult education. (Witness indicating.)

16 Q. 214?

17 A. Yes.

18 Q. If you were to identify the
 19 location where you spent more time, can you
 20 identify that, with Daniel Sharkey?

21 A. It would be here in Room 209, which
 22 is where we watched movies, and here in the
 23 chapel, and also here in the library, 202, which
 24 is where we used the computer, and in the laundry

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1 that was downstairs, also. (Witness indicating.)

2 Q. And earlier you had testified that
 3 Josh Petrey had an office in what's marked 222?

4 MR. JONES: I'm going to object. I
 5 think that's mischaracterizes her
 6 testimony. I don't think that she
 7 testified that it was his office, that
 8 she met with him in that room.

9 BY MS. YEH:

10 Q. E.D., you had earlier
 11 identified 222 as a location where you met Mr.
 12 Petrey; is that correct?

13 A. Yes.

14 Q. And was that also his office?

15 MR. JONES: Object to the form.

16 THE WITNESS: That's the only
 17 place, I believe, that we saw his office
 18 that we could meet with him or that we
 19 could go search for him. If we had any
 20 questions he would be there.

21 BY MS. YEH:

22 Q. And from what you remember, was he
 23 there regularly?

24 A. Yes.

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1 Q. From that office, did he have a
 2 view of the living area that you had previously
 3 described?

4 MR. JONES: Objection, leading.

5 THE WITNESS: Well, yes, the office
 6 is here and the living room is here, so
 7 you could see. It's in front of it.

8 (Witness indicating.)

9 BY MS. YEH:

10 Q. I'm going to show you another map
 11 to identify.

12 MS. YEH: And we'll mark this as
 13 Berks County-16.

14 - - -

15 (Whereupon, Exhibit Berks County-16
 16 was marked for identification.)

17 - - -

18 BY MS. YEH:

19 Q. If you can remember, where was your
 20 room, the first room that you stayed in?

21 A. Here. (Witness indicating.)

22 MS. YEH: And she's pointing to
 23 what's marked 304, and it also says
 24 Bedroom Number 11.

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1 BY MS. YEH:

2 Q. And then later you had -- you had
3 testified earlier that you had changed rooms.4 Do you remember where that second
5 room was?6 A. On the other hallway. That was
7 this one, Number 4. (Witness indicating.)

8 Q. And that's also marked 305.

9 And just for clarification, how
10 many floors was this building?11 A. The only ones that we had access to
12 were only this one, the first one and the second.
13 (Witness indicating.)14 Q. So this map, is it the first or the
15 second floor?

16 A. Second.

17 Q. Okay. And you had earlier
18 testified that sometimes you and Daniel Sharkey
19 were in the laundry. Can you identify that
20 location?21 A. Here. That would be 318.
(Witness indicating.)22 Q. You earlier testified that there
23 were other staff members who had the same --

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1 worked at the same time as Daniel Sharkey, and
2 that there were times when the staff members
3 worked in the same location as Daniel Sharkey.4 Were there times when he was the
5 only staff member on duty in the area in which you
6 were in?

7 A. Yes.

8 Q. And how often did that happen; if
9 you remember?

10 A. Often, frequently.

11 Q. You had also testified earlier that
12 Daniel Sharkey had made some comments that he had
13 access to the cameras.

14 A. Yes.

15 Q. Did you believe his statements?

16 A. Yes.

17 Q. And can you explain why?

18 A. Because, for example, if he wasn't
19 at work one day and I did something he would then
20 tell me what I had done that day, the day after.
21 And then one day after he gave me the music CD we
22 were in this room, in Room 209, and I was with
23 Patricia and other guys and we were listening to
24 the music and we were kind of started dancing and

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1 he came in very mad about it and he had not been
2 there. It's like he had seen the camera and what
3 was happening.4 MS. YEH: I don't have any more
5 questions.6 MR. CONNELL: I have some
7 follow-up.8 - - -
9 EXAMINATION
10 - - -

11 BY MR. CONNELL:

12 Q. So because he had told you what you
13 had done on a particular day you believe he had
14 access to the cameras, that's your testimony
15 today?

16 A. Yes.

17 Q. So it's not possible it could have
18 been because he was talking to other residents
19 such as Patricia about what you may have done?

20 A. No.

21 Q. That's not possible?

22 A. No.

23 Q. He never talked with Patricia?

24 A. Yes, he spoke with Patricia. But I

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1 don't think it was because he spoke to any
2 residents that he knew. And, also, when we were
3 dancing here in this room I believe that he was
4 looking at the cameras. (Witness indicating.)5 Q. I'm not going to talk about -- I'm
6 not asking you about the question when you were
7 dancing in the room. I'm asking about because you
8 say he knew what you did on a day he wasn't there.
9 That's my focus of my questions right now. We'll
10 talk about the dancing in a minute.

11 A. Okay.

12 Q. When you spoke to the investigators
13 back in 2014, okay, and you told them what Mr.
14 Sharkey said about access to the cameras, were you
15 being truthful?

16 A. Yes.

17 Q. Okay. So if that's different than
18 what your testimony is here today, is that because
19 you've talked to how many attorneys between since
20 then and now, is that why your testimony has
21 changed or is it because has your memory changed?22 A. No, I don't know what has changed,
23 but these are the reasons. This is what I
24 remember.

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1 Q. Is it your understanding that
 2 because you were the unfortunate victim of Mr.
 3 Sharkey's crime that you're more likely to gain
 4 the asylum you are seeking in the United States?

5 A. How's that? I don't understand.

6 Q. Do I have to rephrase the question?

7 A. Yes, please.

8 MR. CONNELL: Okay. Mr. Diamond,
 9 can you please restate the question so
 10 that I can rephrase it?
 11 - - -

12 (Whereupon, a pertinent portion of
 13 the record was read back by the court
 14 reporter.)
 15 - - -

16 BY MR. CONNELL:

17 Q. Do you still need me to rephrase
 18 that question?

19 A. The question is fine, but I don't
 20 know how to answer your question. This case, I'm
 21 doing this case to bring justice, not to do
 22 anything else. Because just like it happened to
 23 me it could happen to another person. And I don't
 24 think that it should end up in nothing just

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1 because I'm an illegal.

2 Q. My question is with regards to your
 3 -- the criminal case against Mr. Sharkey, and you
 4 were interviewed in that and you were the primary
 5 witness and the primary -- and the victim in the
 6 criminal case against Mr. Sharkey.

7 My question for you is do you
 8 believe that you are more likely to gain asylum
 9 because you were the victim of that crime?

10 MS. YEH: Objection, asked and
 11 answered.

12 MR. CONNELL: She didn't answer it.
 13 She said I don't know how to answer it.
 14 She didn't answer it.

15 BY MR. CONNELL:

16 Q. So you can answer over the
 17 objection anyway.

18 MS. YEH: You may answer.

19 THE WITNESS: No, I don't know. I
 20 don't know how to answer this question.

21 BY MR. CONNELL:

22 Q. Okay. If you can direct your
 23 attention to Exhibit-11.

24 A. (Witness complies.)

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1 Q. Now, you've identified several
 2 areas on this exhibit as to various locations
 3 where you were with Mr. Sharkey; right?

4 A. Yes.

5 Q. You'll agree with me that there are
 6 cameras covering 209?

7 A. Yes.

8 Q. And you'll agree with me that there
 9 are cameras covering 205?

10 A. Oh, yes, 205, oh, yes.

11 Q. And you agree with me there are
 12 cameras covering 201?

13 A. Yes.

14 Q. And you'll agree with me that there
 15 are cameras covering 214?

16 A. Yes.

17 Q. And there are cameras covering the
 18 adult education room and cameras covering the
 19 library?

20 A. Yes.

21 Q. And you know that there are cameras
 22 covering the chapel except for the one little area
 23 where you and Mr. Sharkey willingly went in and
 24 kissed; right?

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1 A. Yes.

2 Q. And you know that there are no
 3 cameras covering the laundry room; correct?

4 A. Yes.

5 Q. All of these areas that you
 6 described as you and Sharkey being together are
 7 also areas where all residents have access to;
 8 correct?

9 A. Yes.

10 Q. So this is areas where throughout
 11 the entirety of the day residents are walking
 12 about, milling about and gathering; correct?

13 A. Yes.

14 Q. And these are also areas where
 15 staff walk around on a regular basis and interact
 16 with the residents on a regular basis; correct?

17 A. Yes.

18 Q. And staff on a regular basis played
 19 games with residents; correct?

20 A. Yes, some of them.

21 Q. Okay. And staff on occasion will
 22 watch movies on movie night with the residents;
 23 correct?

24 A. Yes.

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1 Q. And staff go outside with residents
 2 when they go outside; yes?
 3 A. Yes.
 4 Q. And you would agree with me that
 5 it's not unusual for staff and residents to be
 6 interacting with each other throughout the common
 7 areas of the Berks County Residential Center?
 8 A. Yes, but it's not always the same
 9 person that will be in that place.

10 Q. But it is not unusual that at any
 11 time of the day to see staff walking around in the
 12 facility interacting with residents; correct?

13 A. No.

14 Q. And, in fact, during the period of
 15 time where you first kissed Mr. Sharkey and you
 16 learned that Mr. Sharkey was no longer employed
 17 there you interacted with other staff members,
 18 also; right?

19 A. I didn't hear the question well.

20 Could you repeat the question
 21 please?
 22 - - -
 23 (Whereupon, a pertinent portion of
 24 the record was read back by the court

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1

2

3 CERTIFICATION

4
 5 I, DOUGLAS S. DIAMOND, hereby
 6 certify that the foregoing is a true and correct
 7 transcript transcribed from the stenographic notes
 8 taken by me on Monday, June 19, 2017.

9

10

11

12 DOUGLAS S. DIAMOND

13 Court Reporter - Notary Public

14 (This certification does not apply
 15 to any reproduction of this transcript, unless
 16 under the direct supervision of the certifying
 17 reporter.)
 18

19

20

21

22

23

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1 reporter.)
 2 - - -
 3

4 THE WITNESS: Yes.

5 MR. CONNELL: I don't have any
 6 other questions.

7 MR. JONES: Nothing further from
 8 me.

9 MS. YEH: We're done. Nothing from
 10 me.
 11 - - -
 12 (Whereupon, the deposition
 13 concluded at 5:43 p.m.)
 14 - - -
 15

1 ACKNOWLEDGEMENT OF DEPONENT

2 I, [REDACTED] E.D., do hereby
 3 certify that I have read the foregoing pages,
 4 _____, and that the same is a correct
 5 transcript of the answers given by me to the
 6 questions therein propounded, except for the
 7 corrections or changes in form or substance, if
 8 any, noted in the attached Errata Sheet.

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 22 My Commission expires: _____
 23 Notary Public
 24